

County of Santa Clara

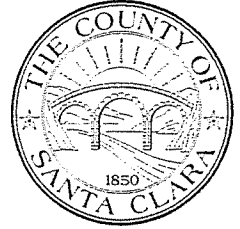
Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-5105

RECEIVED

JUN 29 2007

**CITY OF SAN JOSE
DEVELOPMENT SERVICES**



June 28, 2007

Darryl Boyd, Principal Planner
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Re: Comments to Coyote Valley Specific Plan DEIR

Dear Mr. Boyd:

The County's staff and consultants have reviewed the Draft Environmental Impact Report for the Coyote Valley Specific Plan. Transmitted with this letter are the following comments letters from County Departments and Consultants:

1. County Counsel;
2. Department of Planning and Development ("Planning");
3. Roads and Airports Department ("Roads");
4. Tylin International, Consultant to Roads (attachment A to Roads letter);
5. Parks and Recreation Department ("Parks");
6. EMC Planning Group, Inc, Consultant to Park;
7. Balanced Hydrologics, Inc., Consultant to Parks; and
8. Department of Agriculture and Environmental Management.

Each of the eight (8) letters identified above and transmitted together with this letter are comments letters that require a response from the City under CEQA.

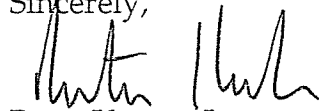
While the County appreciated the opportunity to review the DEIR for Coyote Valley, we are disappointed in the narrow approach taken in analyzing, disclosing, and mitigating the impacts from a project of this significance. The CVSP represents a substantial change to a unique area and pursuing this development is likely to have profound effects outside the boundaries of the

Darryl Boyd Principal Planner
City of San Jose
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CVSP. The comments submitted are the result of a substantial effort on the part of County staff and consultants to identify issues that concern the County and areas where the DEIR needs to provide more information and analysis to disclose the impacts of this project to the public and decision makers.

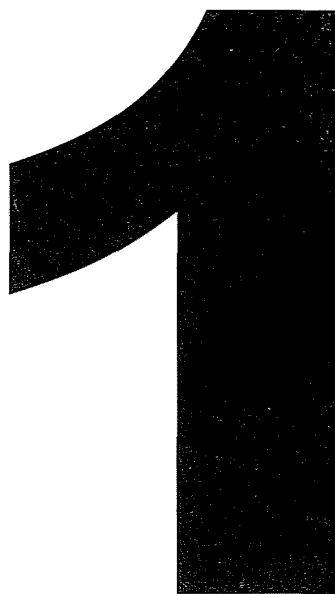
We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kutras, Jr.", written over the word "Sincerely,".

Peter Kutras, Jr.
County Executive

cc: Board of Supervisors
Ann Miller Ravel, County Counsel
Santa Clara Valley Water District
U.S. Fish & Wildlife Service
California Department of Fish & Game



**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

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**Ann Miller Ravel
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Winifred Botha
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ASSISTANT COUNTY COUNSEL

June 28, 2007

Darryl Boyd, Principal Planner
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Re: Santa Clara County's Comments to Coyote Valley Specific Plan DEIR

Dear Mr. Boyd:

The letter comments on the Draft Environmental Impact Report for the Coyote Valley Specific Plan. Various departments of the County of Santa Clara have commented on the technical aspects of the DEIR. The purpose of this letter is to highlight the DEIR's major legal inadequacies the facts of which are discussed in detail in the other County department letters.

Program Level Document

It is unclear whether San Jose intends to limit the use of this environmental document to a program level document or a combined program and project-specific document. Under Section 1.5.2 "Level of Environmental Review Provided by this EIR," the DEIR states that this document will be used to provide environmental review for the adoption of the CVSP. It also states, however, that it may be used for a list of enumerated activities including "issuance of development permits" The DEIR must clearly state whether it is intended to be used on a project specific basis for any of the components of the CVSP development. The DEIR lacks the details of project design and implementation and related impacts analysis necessary to support project level environmental clearance. Even if the City limits the use of this document to a program level document, however, the DEIR analysis and disclosures fall far short of an adequate program level document.

Incomplete Specific Plan

The DEIR's inadequacies stem, in part, from the fact that the Coyote Valley Specific Plan itself is incomplete. Under Government Code Section 65451, a specific plan is required to include text and diagrams to specify, *in detail*, the following:

Letter to Darryl Boyd, Principal Planner

Re: County of Santa Clara's Comments to Coyote Valley Specific Plan DEIR

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- (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- (2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waster disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- (3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- (4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3). Gov't Code sec. 65451(a).

County staff and County consultants have identified numerous instances throughout the DEIR where it lacks identification and analysis of impacts, defers impacts analysis, or defers mitigations. Many of these issues arise because the Draft Specific Plan, as discussed in the DEIR, does not meet the requirements of the Government Code set forth above. As stated on page 25 of the DEIR, "[T]he financing, phasing and implementation strategies for the CVSP are under preparation." The DEIR does not provide any information regarding the phasing or financing of this project.

The lack of a complete Specific Plan causes the DEIR to be inadequate in several ways. One result is that the project description is incomplete. This prevents the public and agency decision makers from fully understanding and commenting on the project. It also causes the DEIR to be deficient as an informational document because the undefined aspects of the project are not analyzed in the DEIR with respect to their potential environmental impacts and, consequently, mitigation measures and alternatives are not identified and analyzed for these unidentified impacts.

Lack of Phasing & Implementation Plan

To meaningfully evaluate the impacts from a plan of this size and complexity, a phasing plan is necessary. Various elements of the plan are presumed to mitigate other parts of the plan. For example, as discussed in the comment letter from County Roads Department, the project assumes an internalization rate of 40% for traffic.¹ Projecting any internalization of traffic necessarily depends on jobs and housing being located in close proximity *at approximately the same time*. While the DEIR mentions the General Plan "triggers" that require 5,000 jobs prior to housing being built, the DEIR does not incorporate these triggers into a required and enforceable

¹ This internalization rate exceeds known success rates. See County Roads' comment letter, page 4.

mitigation requirement. Likewise, the DEIR concludes that temporary traffic impacts are less than significant because "the CVSP project shall phase traffic improvements commensurate with what is required for the proposed development phase." (p. 165 DEIR.) Without a concrete and enforceable phasing plan, there is no way to determine which of the projects impacts are "temporary" impacts and how long these "temporary" impacts will last. This is particularly problematic because the project is expected to develop over the course of 25 to 50 years. When the particular components of the project will be implemented is critical to evaluating the impacts over time. This information and the related impact analyses are absent from the DEIR.

Inadequate Environmental Setting

The DEIR does not contain a comprehensive regional environmental setting discussion to provide the perspective that this new urban area planned for 80,000 to 90,000 residents is actually located in, and surrounded by, rural, agricultural, and park land. The text focuses only on the setting within the CVSP area itself, much like a standard approach to developing a 25 acre site. See comment letters from County Planning, County Parks, and County Parks' consultants EMC Planning Group, Inc. and Balanced Hydrologics, Inc.

In the County's Parks' Department comments to the NOP, the County provided specific information regarding the regional importance of Coyote Creek County Park. Nonetheless, the DEIR includes only 2 paragraphs discussing the existing land uses surrounding the CVSP area and makes no mention of Coyote Creek or the land adjacent to the Creek. Under CEQA Guidelines Sec. 15125(c), "[k]nowledge of the regional setting is *critical* to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." The DEIR fails to convey any sense of the biological, recreational, and hydrological sensitivity of the area and provides no context to disclose to the reader the dramatic land use change that this project will cause.

The courts have rejected such simplistic approaches to describing a project's environmental setting. In *San Joaquin Raptor v. County of Stanislaus*, 27 Cal.App. 4th 713, 724-729, the Court of Appeals found an environmental setting description legally inadequate where it failed to describe the specific location and extent of the adjacent riparian habitat and left the reader with the impression that the surrounding properties were non-descript farmland.

Inadequate and Deferred Analysis

The lack of details regarding infrastructure designs and locations impairs the DEIR's disclosure and analysis of potential environmental impacts, which causes the DEIR to be inadequate as an information document. The comments from the County Planning, Roads, and Parks departments (and their consultants) all identify areas where the lack of project design and detail limits the ability to evaluate the environmental impacts of the CVSP. For example, the

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DEIR does not identify the specific location of the major infrastructure components that will be located east of Monterey Road. While City consultants have discussed future location and design of bridge crossings, future roadway realignment of Monterey Road and grading plans at Technical Advisory Committee meetings, the DEIR does not include these details. Likewise, the DEIR defers determining the location of future infrastructure associated with the project such as the water tank pipelines, access roads in the foothills and the alignment of the Bailey Avenue extension over the western hills to the Almaden Valley (Bailey-over-the-Hill). The DEIR also fails to identify the location for the groundwater recharge basins, merely stating that the basins would be placed in areas where no existing wetlands, streams, or ponds will be impacted. (DEIR p. 422). Without specific designs and locations, it is not possible to adequately evaluate the environmental impacts or the feasibility of proposed mitigations for the numerous infrastructure facilities associated with the project.

The City of San Jose cannot defer the identification and mitigation of impacts to future environmental review. In *Stanislaus Natural Heritage Project v. County of Stanislaus*, the court explained that “[a] decision to tier environmental review does not excuse a governmental entity from complying with CEQA's mandate to prepare, or cause to be prepared, an environmental impact report on any project that may have a significant effect on the environment.” 48 Cal.App.4th 182 (1996). The court also stated that tiering “is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause.” *Id.* at 199.

The impacts of this project cannot be fully identified until these specific details are included and analysis of impacts completed. Once that is done, the true impacts from this project will likely be much greater than what is currently disclosed in the DEIR. Many of these impacts, particularly on County roads and parks facilities, will be extra-territorial impacts for which the City will need to evaluate feasible mitigation measures, such as a shared mitigation fee program.

Analysis Lacking Analytical Support

To facilitate CEQA's information role, the EIR must contain facts and analysis, not just the agency's base conclusions or opinions. *Laurel Heights v. The Regents of the University of California*, 47 Cal.3d 376, 405 (1988). Comments from the various County department letters identify a number of areas where conclusions are made, but the DEIR does not provide evidence to support the conclusions. For example, the DEIR assumes that most traffic trips from CVSP will use US101 but provides no rationale for this conclusion.² Because of this unsupported conclusion, the DEIR does not acknowledge or discuss the spillover effect of traffic to County-

² Identifying the basis for this assumption is particularly crucial because 10 segments of US101 are forecast to operate at LOS F (extreme congestion) and the DEIR says that there are no feasible means to reduce this congestion.

maintained roads which is likely to be dramatic and profound. See County Roads comment letter. Likewise, throughout the biological section, the DEIR merely cites the City's existing Riparian Corridor Policy (providing for a 100 foot setback) and concludes that a multitude of inadequately analyzed biological impacts are avoided on this basis. This absence of meaningful analysis is particularly egregious because prior to publishing the DEIR, there was a substantial body of recent, site-specific, scientific literature, academic research, and regulatory agency information available which identifies the need for riparian habitat corridors much greater than the 100 feet cited in the DEIR. The DEIR does not make any effort to address these studies or the unique environment of Coyote Creek.

Deferred Mitigation

CEQA Guidelines section 15126.4 (a)(1)(B) states: "[F]ormulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." There are many instances where the DEIR simply leaves the formulation of mitigation measures to the future without identifying any specific standards which will apply. Many of the biological impacts are deferred by suggesting that protocol surveys will be done in the future. Also, in evaluating the impacts of agricultural mitigation, the DEIR merely states that the suitability of agricultural mitigation sites will be "determined by an agricultural economist." (p. 114 DEIR, see County Planning comment letter). As stated by the Court in *Defend the Bay v. City of Irvine*, 119 Cal.App.4th 1261, 1275 (2004), "... an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report." See also, *San Joaquin Raptor v. County of Merced*, 149 Cal.App. 4th 645, 669. This is precisely what the City has done in a number of places in the DEIR. These deficiencies result in the DEIR's failure to fully assess the project's impacts and the efficacy of the proposed (but undefined) mitigations. Further, the DEIR suggests that many of the mitigations would not be made enforceable at the time of project approval, using such language as "it is assumed that mitigation measures . . . would be considered at the time of development."³

Global Warming

The DEIR attempts to address the project's global warming impacts by stating "in mitigating for energy, traffic, and air quality impacts, the project has been designed to incorporate many of the

³ One particularly egregious example is Impact BIO-33 which incorporates MM BIO-33.2 which notes that if habitat designated by USFWS does not contain suitable habitat for the Bay checkerspot butterfly, then no mitigation is required. Impact BIO-33 concludes on this basis that the impact of the future BOH roadway (design not disclosed in the DEIR) has less than significant impact on special status animal species. This conclusion is completely unwarranted.

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identified mitigation measures to reduce greenhouse gas emissions." This conclusory assumption does not adequately address this issue. The DEIR needs to provide a quantitative analysis of the project's global warming impacts and to what extent certain identified mitigation measures will address these impacts. As discussed above, many impacts are either not identified in the DEIR or are understated. In addition, many of the mitigations are either deferred, or not specific enough to actually serve as mitigation measures.

Water Supply

In addition to the lack of feasible water supply or adequate alternatives (see County Planning memo), the incomplete analysis of biological impacts and hydrological impacts does not accurately disclose the impacts of pumping groundwater to serve the project. A thorough analysis of these complex, interrelated issues will likely demonstrate that it is necessary to reduce groundwater pumping to mitigate for biological and hydrological impacts. If groundwater pumping is reduced, the water supply for development is likewise reduced. The DEIR must be revised to include a more accurate biological and hydrological impact analyses, and the water supply issue must be reanalyzed in light of these analyses.

Economic and Social Impacts

The DEIR should also consider the secondary or indirect environmental consequences of economic and social changes. For example, the DEIR states that it will not divide an existing community. While there is only a small portion of the historic Coyote Valley community left, there is a community with historical value that will be physically divided by this project. The physical change caused by economic or social effects of a project may be regarded as a significant effect *in the same manner* as any other physical change resulting from the project. *Bishop Area v. County of Inyo*, 172 Cal.App.3d 151, 169. The implementation of the CVSP over the next 25-50 years will draw significant attention and resources away from existing County and City services and operations. There will be an increasing need over time for community services and improvements, including basic police and fire services. The fiscal needs of Coyote Valley may draw County and City resources away from other such areas such as the Urban pockets. Annexing the Coyote Valley land could cause the Urban pockets to be relegated to a lower priority which will result in physical impacts due to lack of services and attention to infrastructure needs. (See County Planning letter.)

Alternatives

The depth and range of alternatives included within the DEIR is insufficient. There are only five (5) alternatives⁴ discussed and they are discussed in a purely cursory fashion. "The

⁴ For example, the City's Lowe's project EIR discussed 12 alternatives.

Letter to Darryl Boyd, Principal Planner

Re: County of Santa Clara's Comments to Coyote Valley Specific Plan DEIR

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core of an EIR is the mitigation and alternatives sections. The Legislature has declared it the policy of the State to "consider alternatives to proposed actions affecting the environment." *Citizens of Goleta*, 52 Cal.3d at 564-565 (1990). Further "[i]t is the policy of the state that public agencies should not approve projects as proposed if there are *feasible alternatives* or *feasible mitigation measures* available which would substantially lessen the significant environmental effects of such projects." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564-565 (1990). The DEIR identifies 33 significant, unavoidable impacts for the project. Had the

DEIR adequately analyzed all of the project's impacts, this number would likely be much greater. Thus, it is essential that a sufficient range of alternatives be discussed to provide the decision makers with meaningful information on which to base their decision.

The proposed project consists of a Specific Plan which will result in up to 25,000 residences and 50,000 jobs within a 3,400 acre area which currently consists of mostly rural undeveloped land. It is a new city of the population of Mountain View in a much more condensed area. The DEIR, as presently written, dramatically understates the environmental impacts of this project. Even so, the CVSP DEIR discloses that the project will result in many significant and unavoidable environmental impacts including impacts to regional roads, air quality, agricultural lands, open space, and visual resources. Given the size of the project, its regional importance, and the disclosure that numerous significant environmental impacts will result from the project, a reasonable range of alternatives would have incorporated variations in density, size, and design of the Specific Plan to properly disclose to the public and decision-makers how alternatives could reasonably reduce the listed environmental impacts. The City Council, was in fact, informed in July, 2005, that a number of alternatives would be considered and the reasons for selecting or not selecting them would be included in the DEIR. See July 1, 2005 Memo from Stephen M. Haase to City Council, Attachment 1.⁵ The DEIR does not contain any discussion regarding why some of the alternatives in this memorandum were not analyzed.

In addition, the alternatives selected are discussed purely on a qualitative basis. While CEQA does not require the same level of detail to be included in the alternatives section, it does require quantitative analyses so that decision makers can make informed decisions. CEQA Guidelines section 15126.6(d) Evaluation of Alternatives states, "The EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison." The DEIR does not provide any quantitative information or matrix to compare the few alternatives that are presented. Therefore, the alternatives analysis in the DEIR fails to comply with CEQA and must be revised.

⁵ Downloaded from the City's Coyote Valley Specific Plan website, June 28, 2007.

Letter to Darryl Boyd, Principal Planner

Re: County of Santa Clara's Comments to Coyote Valley Specific Plan DEIR

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Finally, the alternatives analysis is unduly constrained by the narrowness of the project objectives. The overall objectives of the plan and its development outcomes should be more generalized or "distilled" from the geographic setting of Coyote Valley in order to allow adequate evaluation of true alternatives, not just the alternatives for the use of the Development Area of Coyote Valley.

Revise DEIR and Recirculate

Because this document does not adequately describe the project and the existing setting, defers the study of impacts, defers identifying and evaluating the feasibility of mitigations, defers the establishment of performance standards for "to-be-determined" mitigations, and fails to discuss a reasonable range of alternatives in a meaningful manner, the DEIR does not achieve the most basic function for which it is intended. The DEIR will not inform the public and agency decision-makers about the CVSP project impacts, and whether and to what extent those impacts can be avoided through feasible mitigation measures or alternatives.

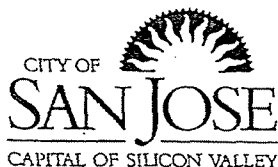
This DEIR, in its present state, cannot be certified because significant, unmitigated environmental effects have not been disclosed. Further, this DEIR cannot serve as the basis for a statement of overriding considerations for unmitigated environmental effects that have been disclosed because measures necessary to mitigate or avoid those effects have not been properly analyzed and found to be infeasible. "CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effect on the environment . . . unless the measures necessary to mitigate those effects are truly infeasible." *City of Marina v. Board of Trustees of the California State University*, 39 Cal. 4th 341 (2006).

The DEIR must be rewritten to provide a disclosure document that accurately reflects the impacts of bringing high-density urban development to Coyote Valley.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ann M. Ravel", with a long, sweeping horizontal line extending to the right.

ANN MILLER RAVEL
County Counsel



Forwarded on:
SENT TO COUNCIL:
JUL 7 2005
by Council Liaison's Office

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: CVSP EIR PROJECT
ALTERNATIVES

DATE: July 1, 2005

Approved

Date

July 7, 2005

Council District: Citywide
SNI Area All

INFORMATION

PURPOSE

On April 5, 2005, the City Council held a public hearing to accept the third progress report regarding the Coyote Valley Specific Plan which addressed the approach to the CVSP Environment Impact Report (EIR), the potential impact of the CVSP on job growth in North San Jose and Downtown, and the community involvement process for the South Coyote Valley Greenbelt area.

The City Council accepted the third progress report and directed staff to identify the project alternatives to be studied in the EIR and forward them to the City Council, via an informational memorandum.

ENVIRONMENTAL IMPACT REPORT ALTERNATIVES

The California Environmental Quality Act (CEQA) states that an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

In the City's capacity as the lead agency, the Director of Planning, Building and Code Enforcement is responsible for selecting the appropriate project alternatives for examination. Staff has worked with the CVSP Technical Advisory Committee, several project focus groups and the public in order to capture public and agency input on what alternatives (or issues to be considered in the formulation of alternatives) should be considered as part of the CVSP EIR.

Since the last progress report staff has conducted additional public outreach and released the Notice of Preparation (NOP) on June 1, 2005. The comment period for the NOP concludes on July 5, 2005. The EIR team of City staff and David J. Powers and Associates will include any comments not already received into the considerations for the EIR process. As the NOP review process draws to a close, staff felt there was now enough information to create the draft list of EIR alternatives for public distribution.

The range of alternatives in the Coyote Valley Specific Plan EIR will be primarily focused on those alternatives that can avoid or reduce the potentially significant environmental impacts that result from the preferred land use plan. Some alternatives may also be included in response to strong stakeholder sentiment for assessment of alternative project designs not expected to reduce environmental impacts. A draft matrix of the potential alternatives to be analyzed in the EIR is attached entitled "Potential EIR Alternatives". This matrix lists the potential alternatives to be analyzed, identifies the environmental impact that each alternative is intended to eliminate or reduce, and provides a brief summary of the alternative. The final decision on alternatives to be considered in the EIR, and their description, cannot be made until the initial environmental impact analysis has been completed and the project impacts are known and quantified. This will occur during the Administrative Draft EIR stage, prior to the public review of the Draft EIR.

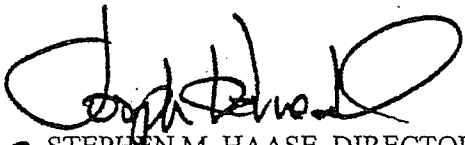
The Environmental Impact Report will also include a discussion of alternatives that were considered, but not further evaluated, because they do not eliminate or reduce a potential significant environmental impact, meet the primary project objectives of the plan, and/or meet the feasibility test for implementing the proposed Coyote Valley Specific Plan. These alternatives may include, but are not limited to, allowing urban development in the South Coyote Greenbelt, switching the location of the Greenbelt with Mid-Coyote, and moving the Urban Growth Boundary northward from Palm Avenue to preclude any future urban development in Mid-Coyote.

CONCLUSION

In conclusion, staff is committed to preparing an EIR for the CVSP that has been completed in compliance with CEQA and fully evaluates a reasonable range of project alternatives to the proposed plan. The CVSP EIR will provide the City Council and the public the opportunity to understand the potential environmental impacts of the proposed Coyote Valley Specific Plan, including a comparison with alternatives that may avoid or lessen potentially significant environmental impacts.

HONORABLE MAYOR AND CITY COUNCIL
Subject: CVSP EIR Project Alternatives
July 1, 2005
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This draft alternatives matrix reflects the EIR team's judgment about the alternatives based on the best information currently available. Upon completion of the environmental data collection, analysis and the Administrative Draft EIR, we will verify and modify the alternatives as appropriate. The CVSP EIR is arguably the largest, most challenging EIR the City has ever prepared due to the size and complexity of the proposed project. Staff is very mindful of the need to conduct the EIR process in a professional, complete and timely manner. The EIR team is already well into environmental data analysis particularly for traffic and biology, in order to prepare the ADEIR and circulate the DEIR on schedule.



STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

attachment

Intent of Possible EIR Alternatives		
PROJECT ALTERNATIVE(S)	OBJECTIVE(S)	DESCRIPTION
"No Project" Alternative	The purpose of the "no project" alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving it. The no project alternative is not the baseline for determining the proposed project's significant environmental impacts.	Required by CEQA Potential impacts from the CVSP would be <u>temporarily</u> avoided Impacts resulting from existing entitlements in North Coyote would not change
Land Use Plan/Infrastructure Alternatives		
<i>No Central Lake Alternative</i>	This alternative is intended to analyze techniques other than the central lake that will mitigate flooding and water quality impacts and to compare cost implications of each.	May result in a net increase in conservation areas for natural biological and riparian habitats A multi-lake approach would potentially increase the water temperatures in the creek systems and impact aquatic habitats
<i>No Internal Transit System Alternative</i>	This alternative would consider the environmental impacts of adding more project vehicle trips to the internal and regional transportation network and reduce core infrastructure costs on private development	May result in an increase in the amount of "in valley" vehicle trips May result in an increase in impervious surface due to need for additional surface and garage parking within the plan area Increase in vehicle trips would add to air quality impacts
<i>Alternate Internal Transit System Alignments</i>	This alternative is intended to analyze other internal transit alignments, technologies, and compare the cost implications of each.	Potentially reduce the proximity of transit stops to residential neighborhoods and result in an increase in the amount of "in valley" vehicle trips May result in an increase in impervious areas due to need for additional surface and garage parking within the plan area Increase in vehicle trips would add to air quality impacts
<i>Maintain Fisher Creek Alignment and incorporate a second reach.</i>	This alternative is intended to analyze the option of enhancing the existing Fisher Creek alignment, with and without adding a second reach in order to deal with flooding and water quality impacts, and analyze cost implications of each.	Flow rates of Fisher Creek could be increased and may result in a higher rate of erosion along the creek's banks A second reach along Fisher Creek may be required for increased flow rate and flood storage capacity, and may result in impacts on existing wetlands This alternative would require permits from the Regulatory Agencies
<i>No Parkway Alternative (Arterial Street Grid System)</i>	This alternative would assess arterial street systems and networks other than the parkway system by analyzing Level of Service (LOS) impacts and other environmental consequences.	Likely result in different traffic LOS within the project Anticipated that all other impacts would remain unchanged from project
Greenbelt Alliance Alternative	The "Greenbelt Alliance plan" alternative will analyze alternative project designs including internal transportation flow, flood storage and stormwater impacts, in addition to school locations and student generation numbers proposed by stakeholder groups.	Would combine other individual alternatives into one package including arterial street grid system, no central lake with existing Fisher Creek alignment reconstructed to accommodate flooding, wetland restoration and water quality mitigations Would include alternative project design and land use distribution This alternative would require permits from the Regulatory Agencies
Reduced Scale Alternative		
<i>Reduced Urban Footprint</i>	The "Reduced Footprint" alternative would retain the proposed project on less land area, resulting in higher development densities, etc. and analyze whether significant impacts can be minimized and/or avoided by impacting less land area.	Increased project densities on a smaller urban footprint would potentially preserve more open space, reduce/avoid biological impacts, reduce flooding and water quality impacts. All other impacts from the proposed development of Coyote Valley would likely remain the same, particularly transportation or increase (visual)
<i>Reduced Total Housing Units</i>	The "Reduced Housing Units" alternative will consider the environmental consequences of a reduction in the total number of housing units proposed and whether there would be a possible reduction in the amount of infrastructure required to support a reduced project.	A reduction in the amount of proposed housing units would potentially result in a smaller urban footprint or a lower overall project density, and reduced biology impacts A reduction in the amount of housing would additionally reduce the number of vehicle trips in the planning area and thereby lessen the impacts related to transportation and air quality
<i>Reduced Industrial Development</i>	The "Reduced Industrial Development" alternative will consider whether a reduction in the amount of industrial/office development would reduce the amount of environmental impacts and the amount of infrastructure required to support the planned development, including improvements to Bailey Avenue over-the-hill.	A reduction in the amount of industrial development planned would potentially result in a smaller urban footprint or lower density and potentially reduce biology impacts A reduction in the amount of industrial development should additionally reduce the number of vehicle trips within and outside the planning area (i.e., Highway 101 & Bailey Avenue) and thereby lessen the impacts related to transportation and air quality
<i>Reduced Housing Units and Industrial Development</i>	The "Reduced Housing and Industrial" alternative would cover the same urban footprint as the proposed project; however, the total development would be at a lower density. Overall this alternative would be expected to result in less impacts and require less infrastructure (i.e., sanitary and stormwater treatment, Bailey Avenue over-the-hill, etc.).	This alternative would potentially reduce most significant impacts from the proposed development including less traffic, storm water storage capacity, water quality treatment, infrastructure improvements and potentially avoid impacts to Fisher Creek Impacts to Highway 101 and Bailey Avenue may be reduced or avoided
Job/Housing Balance Alternative		
<i>Job/Housing balance within the Specific Plan area</i>	This alternative would analyze the proposed project with an internal balance between jobs and housing and consider its effects on the overall City as a balanced community and any related transportation impacts.	This alternative would potentially balance the internal vehicle trips and thereby reduce transportation impacts on the regional transportation network (i.e., Highway 101) Most other impacts would likely remain constant or increase
<i>Citywide job/housing balance correction</i>	This alternative would analyze the project with a higher range of industrial/office jobs to better achieve the Citywide jobs and housing goals, and assess its effects on the overall City, particularly transportation. This alternative is expected to be similar to the "Reduced Housing Units" alternative.	An increase in the number of project jobs would be expected to increase the amount of external vehicle trips, thereby increasing transportation impacts on the regional and internal transportation networks Most other impacts would likely remain constant or increase
Alternate School Sites	This alternative would consider other school sites and different campus designs and sizes within the project area	This alternative is unlikely to reduce any project impacts and is included to assess the consequences of more typical "suburban" school site standards and designs
Alternative Location Analysis		
<i>Relocating the proposed number of housing units and jobs within the existing City limits and avoid development in Coyote Valley</i>	This alternative would consider abandoning development in Coyote Valley while dispersing the intended development (approx. 26,000 housing units and 50,000 jobs) within the existing City limits.	This alternative would avoid impacts within Coyote Valley such as biology, hydrology, noise, historic and cultural resources, loss of agricultural land, and hazardous materials. Environmental impacts would be transferred to other locations with the City, there would be no "reverse commute" benefits, no decrease in air quality
<i>Relocating the proposed project outside of Santa Clara County</i>	This alternative would avoid impacts within Coyote Valley and most transportation and air quality impacts within Santa Clara County depending on the new location chosen for the development. However, this alternative would not meet the projects goals and objects to accommodate the needed housing and jobs within the City of San Jose.	This alternative would avoid impacts within Coyote Valley such as biology, hydrology, noise, historic and cultural resources, agriculture, and hazardous materials. However, impacts would be transferred on a regional scale, including the transportation and associated air quality impacts

[illegible]

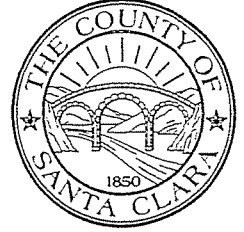
LEGEND

2

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June 19, 2007

Mr. Daryl Boyd, Principal Planner
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City of San Jose
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**RE: Coyote Valley Specific Plan Draft Environmental Impact Report Comments
SCH # 2005062017**

Dear Mr. Boyd:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan (CVSP). We appreciate the additional time afforded for review by the revised and extended comment period. Planning Office staff have reviewed the documents and compiled our comments, which are organized by topic and DEIR sections.

GENERAL COMMENTS

One of the main objectives of County General Plan is to direct new urban development into existing urbanized areas and preserve and protect existing rural communities and natural resources, which include important agricultural resources, natural biological communities, open space, and viewsheds. Although plans for the future development of Coyote Valley have been included within San Jose's General Plan documents for many years, the actual feasibility and costs of implementing those plans have not been studied until now. The County is concerned that the construction of a new city in Coyote Valley under the Coyote Valley Specific Plan (CVSP) will be inconsistent with certain regional goals, objectives and policies of the County General Plan.

More specifically, the County is also concerned that the Draft EIR prepared for the Specific Plan does not provide full disclosure and analysis of the environmental impacts associated with the proposed Specific Plan. Further analysis is needed to evaluate the extent of environmental impacts from the Specific Plan upon rural communities within unincorporated areas of the County and natural resources, including parks, open space, cultural, agricultural, and natural resources. Furthermore, because the project will result in over 30 significant and (stated) unavoidable environmental impacts, a much more in-depth discussion is necessary regarding possible mitigation measures and potential alternatives to the plan which could feasibly reduce these impacts.

LAND USE PLANNING / URBAN DESIGN COMMENTS

The CVSP combines a proposal for major urban expansion with concepts often referred to as “smart growth” or “new urbanism” higher density urban design. It represents the single most significant proposal for a major Urban Service Area (USA) expansion in the last 25-30 years in Santa Clara County, and it has implications for future expansion proposals that may be proposed, particularly by Morgan Hill or Gilroy, the only two other cities with similar large areas of flat, valley agricultural lands into which expansion of the USA may occur.

County General Plan policies reflecting countywide urban growth and development policies jointly adopted by cities, Santa Clara County Local Agency Formation Commission (LAFCO), and the County favor urban infill and redevelopment over further significant expansion of the urbanized area. This policy, which originated with the jointly developed Urban Development/Open Space Plan of 1973 was the foundation of current countywide growth management policies, LAFCO policies, and City Urban Service Areas. It remains the cornerstone of County General Plan goals and policies to require urban development be located only within cities and USAs, with lands outside USAs to remain non-urban and for conservation of natural resources. USA expansion may be considered to accommodate urban growth, but not if it causes unwarranted impacts to conservation of natural resources or results in regional impacts that outweigh the possible benefits of such expansion. Weighing the fiscal, environmental, and regional planning implications of the proposed CVSP will be one of the most significant tests of these overall policies and strategies since the adoption of the USAs.

The density prescriptions driving the CVSP were set by San Jose’s City Council and may or may not represent the best fit with the constraints of the setting. The density prescriptions set forth at the outset of the CVSP as planning objectives include 50,000 industry jobs and 25,000 housing units, minimum. These objectives have their purpose but are essentially arbitrary. The primary reason for San Jose’s considering urban development in Coyote Valley is to add revenue-producing employment and land uses, commercial and industrial/office particularly. One outcome of accommodating this much density and a population of approximately 75,000+ residents (25,000 units, minimum) is high core densities, but also relatively high densities at the urban edge, which is likely to have long term implications for adjoining rural, agricultural lands.

Nodes, paths, boundaries, urban form, rural interface (high densities at urban edge, along Coyote Creek Park lands)

The draft Land Use diagram for the CVSP’s new city provides an adequate measure of urban nodes, paths, vistas, and other fundamental elements of well-patterned urban form. The concept, however, of juxtaposing high density residential and multi-story office buildings at the edges of the USA, particularly along the eastern boundary of the Coyote Creek Park chain and along Palm Avenue (a rural two-lane road) is a stark and contrasting interface with the existing rural lands. It may have long-term impacts for the County’s ability to maintain rural character and limit uses to non-urban development of lands outside USAs, and this design element should be reconsidered to better blend or merge with these non-urban landscapes, in valley agricultural lands, Coyote Creek Park, and adjoining hillside areas.

Inflationary effects on surrounding rural hillside and farmland values.

Land values have already begun to inflate in rural surrounding hillsides and valley lands due to the preparation of the CVSP. That trend will continue. It will have direct and indirect impacts on the ability to protect agricultural lands, protect and/or acquire open space, and maintain policies for rural, non-urban land use outside the Urban Growth Boundary.

Density impacts on the unmet and growing demand for recreational playgrounds and sports fields, effect on greenbelt area.

There is growing public attention concerning the generally unmet demand of the urban population for large scale, active recreational facilities, such as sports fields for organized soccer. The CVSP places a large future population with similar demands in the upper and middle portions of Coyote Valley, with some limited urban parks and greenways, but it creates even more demand for recreational land uses that have been difficult to provide within the urban area.

Major sports field complexes needed to meet urban population needs are not defined as allowable uses within rural, non-urban lands under the countywide growth management policies and the County's Land Use Plan and Zoning Ordinance, unless within publicly-owned parks designed for those purposes. Demand will increase to convert portions of the Coyote Greenbelt lands and other non-urban areas to such uses on private property, for proximity to the new city proposed in the CVSP and to serve the other neighborhoods of San Jose. The DEIR needs to more adequately address the likelihood of these impacts and possible implications for rural land use policies, rather than assume these land use needs of the urban population will simply be met in some benign way. Public land acquisition for these uses could occur within Coyote Valley, but is not fully addressed.

Parking and automobile accommodation versus density, transit-oriented plan.

The CVSP attempts to balance the present need for the automobile with the goal of reducing such dependence. It has an advanced set of concepts for pedestrian and internal transit services. There should be, however, a stronger link with both regional rail and light rail systems, particularly in light of the significant traffic impacts on Hwy. 101, and other north-south roads and thoroughfares.

Many have commented that non-industry driven jobs are probably underestimated. If so, they will create greater overall housing demand than anticipated, which will largely have effects within San Jose and other nearby cities.

Competing goals and objectives for downtown revitalization, North First Street, and annexation of existing unincorporated islands.

If the challenges of making a new city work outlined in the CVSP are any indication, implementation of the CVSP over 25-50 years will draw significant attention and resources from existing City services and operations. Added to these competing interests is the city's obligation to annex and serve the urban unincorporated islands or "pockets" that already exist and are developed within the City's core. There will be an increasing need over time for community

services and improvements to the pockets, services the County no longer provides, not to mention the costs of basic police and fire services as these pockets annex. As housing stock, streets, and other infrastructure age, the urban pockets will need more planning, community improvement services, and public infrastructure investments, not fewer. Annexing the islands will have direct service cost impacts, which need to be planned for and addressed rather than ignored indefinitely. There is a distinct possibility that in addressing the competing service and fiscal needs between Coyote Valley and existing incorporated areas of San Jose, the needs of the urban pockets will be relegated to lower priority, potentially frustrating efforts to successfully annex them and meet their planning needs.

COMMENTS ON THE APPROACH OF THE COYOTE VALLEY SPECIFIC PLAN EIR

The use of a Program EIR may allow a level of flexibility in the analysis of environmental impacts resulting from a project, and may allow for the future analysis of specific environmental impacts where specific information is not available at the time the Program EIR is prepared. However, a Program EIR must still provide adequate analysis and full disclosure of environmental impacts to the extent that they are known and can be feasibly analyzed during the EIR process. It appears that in many instances, the Draft EIR for the Coyote Valley Specific Plan attempts to disclose the environmental impacts and but then defers analysis of environmental impacts to later studies. In addition, the EIR makes assumptions about future actions and decisions which will affect the current determination regarding whether the project will result in significant environmental impacts. These assumptions are made without providing a rationale or set of performance measures which must be adhered to in the future. Finally, for a project of this size and scale which will result in over 30 stated significant and unavoidable impacts, the discussion of alternatives to the proposed project needs to be expanded and better explained.

COMMENTS ON SECTIONS WITHIN THE DRAFT EIR

PROJECT OBJECTIVES / TIMING

Page 7 - It is unclear if the Specific Plan can be adopted based on the self-imposed “triggers” listed in the EIR. As stated, pre-conditions to adoption of a Coyote Valley Specific Plan is the existence of 5,000 jobs in North Coyote Valley Campus and fiscal stability. However, it appears that these triggers have not been met, thus making it unclear if the plan can be adopted at this time.

Page 25 - The EIR later states that the first action associated with adoption of the project would be the “incorporation of the Coyote Valley Planned Community” into the General Plan. What is the relationship between the Coyote Valley Planned Community and the Coyote Valley Specific Plan? By adopting the Coyote Valley Planned Community, to what actions will the City be committed? Does the City of San Jose intend to certify the Coyote Valley Specific Plan EIR in order to first adopt or approve the Coyote Valley Planned Community?

CONSISTENCY W/ OTHER PLANS

P. 62 (Section 3.1.3.8), Consistency w/ San Jose Policy #4, common open space contiguous to parks and open space areas. It is doubtful that meaningful buffer transition areas would be provided on a project-level basis adjacent to Coyote Creek Park Chain or rural hillside or farmland, given the described densities. At the project level, these buffer objectives will compete with the need to meet density prescriptions, provide other amenities, and achieve profit. It would be more prudent and effective to prescribe more adequate buffers and better transition to rural areas in the Plan itself.

P. 86 (Section 3.1.3.8) - DEIR refers to Policy R-GD 9 of County General Plan, which addresses the possible use of “area plans” for rural unincorporated lands, and it states the CVSP is a similar planning approach and therefore consistent with R-GD 9. R-GD 9 is not actually relevant to the subject of urban expansion and Specific Plans for urbanization on the scale of Coyote Valley. It is relevant only to the use of area or community plans for rural unincorporated areas that may benefit from more detailed policies and implementation measures to address areawide issues, development constraints, or other planning matters. San Martin is one example.

p. 86 (Section 3.8.1.1)- DEIR references only two of the many goals, policies, and strategies of the County General Plan related to agricultural land preservation. It concludes that based on the maintenance of the non-urban buffer lands or “Coyote Greenbelt” the project is consistent with County goals and policies to preserve agricultural lands and promote agriculture. Proposed strategies for encouraging “urban-edge” agriculture within the Coyote Greenbelt are consistent with the County General Plan, but the conversion of major portion of the Coyote Valley to urban development is not addressed in relation to these policies. See policies pp. H-28 – H-32 and pp. O-32 – O-38 of County General Plan. The DEIR needs to address these County Policies.

P. 87-88 (Section 3.8.1.2) - DEIR addresses the consistency of the project with County General Plan policies C-GD 14 – 18, which are a subset of the overall growth management policies of the “Growth & Development Chapter” relevant to the project. Policies C-GD 1 through C-GD 10 are not addressed, although these policies are more important and provide the larger context for discussion of policies C-GD 14 – 18 specifically regarding future planning for Coyote Valley. The DEIR concludes that the draft CVSP is consistent with policies C-GD 14 – 18, although there will be potential significant adverse impacts to rural surrounding lands, the South County cities of Morgan Hill and Gilroy, and to regional roadways, contrary to the intent of these policies. The CVSP is not fully consistent with the policies and issues addressed in C-GD 14- 18, and could more consistent if it better took into account alternative to avoid or minimize impacts. The DEIR does not adequately address the consistency of the overall project with joint countywide urban growth and USA expansion policies reflected in the policies C-GD 1 – 10, which largely promote urban infill and redevelopment over major urban expansion.

DEIR does not address the relevancy or impact of applicable policies regarding Coyote Valley contained in the South County Joint Area Plan. These policies were jointly adopted by the County, Morgan Hill, and Gilroy in 1989. County General Plan policies include SC 19.0 through 19.5, pp. T-22 to T-23 of Book B of the General Plan.

LAND USE

p. 95 (Section 4.1.1.3) - County Zoning Districts in valley portions of CVSP are A-20ac. and A-40ac., with various portions having “-sr” Scenic Road zoning.

p.98 (Section 4.1.1.3) Fig. 4.1-1 does not depict County Zoning, contrary to statement in second paragraph. County minimum lot sizes under “A” Zoning are either 20 or 40 acres, depending on General Plan designation of Agriculture-Medium Scale, or Agriculture-Large Scale, respectively. DEIR alludes to “AR, Agricultural Ranchlands” but not “HS Hillside” district for surrounding hillside lands. If the DEIR intends to describe and discuss the relevancy of the County General Plan Land Use designations for surrounding hillside or mountainous lands, it should include “Ranchlands” and accompanying AR zoning, not just HS Hillside zoning.

p. 100 (Section 4.1.1.3) LAFCO Annexation policies are described in detail, but DEIR omits mention of LAFCO Urban Service Area policies, which are more germane. Annexation policies are largely irrelevant if the USA expansion were ultimately to be approved. Afterwards, annexation would not involve LAFCO approval as a city-conducted annexation. The DEIR should also address the USA policies that are relevant.

p. 105 (Section 4.1.2.1 Thresholds) - Six bulleted thresholds of significance are listed, but are not utilized to organize the discussion and mitigation of impacts. The ensuing discussion is organized according to issues such as land use conflicts from and to the project itself, a seemingly random selection of issues related to various thresholds, and a discussion of certain of these issues with regard to mitigations. Organizationally, it would be easier to follow and understand if organized according to the thresholds listed, and thresholds numbered. As presented, the County is unable to determine whether impacts and mitigations for each of the identified impacts have been adequately evaluated overall.

p. 106 (Section 4.1.2.3) - the DEIR describes impacts from construction of “an intense urban development” adjacent to the Greenbelt. However, the impacts described are largely adverse impacts to future residents within this intensely developed urban area from agricultural and other rural uses, and there is little or no discussion of the adverse impacts to the continuation of agricultural or rural residential uses from such intense adjacent urbanization. There is also discussion of the County’s Right to Farm ordinance provisions, as if it would have a significant bearing on avoiding or mitigating impacts to agricultural uses and zones. It concludes that appropriate urban design of future high density urban development will mitigate impacts to urban residents from adjacent agriculture and rural uses to a less than significant level. Such conclusions are merely speculative with no adequate guidance or performance measures. Given the high densities prescribed for residential uses next to the greenbelt, it is more likely that the intensive urbanization of land in the UGB will have significant adverse, unmitigated impacts on the ability or interest of rural property owners to engage in agriculture, for either crops or livestock, and maintain other rural uses. These impacts and their potential mitigations must be evaluated and discussed in the DEIR.

Page 106 –The DEIR states (sixth paragraph) that the proposed project would be required to comply with future CVSP Design Guidelines to reduce the likelihood of land use compatibility impacts. This discussion and reference to mitigation is uncodified and does not set any

performance standards. How is it reasonable to assume that impacts here will be less than significant based on adherence to future guidelines which have not yet been drafted? At the present, San Jose does not have any adopted guidelines that address land use issues arising between highly developed urban areas (CVSP) and rural, agricultural land. Thus, it is unclear how the existing San Jose guidelines serve as a standard for future guidelines referred to as "mitigation." At a minimum, specimen design guidelines, applicable to the CVSP environment, should have been developed and set forth in the DEIR as a basis for consideration. Even so, design guidelines are extremely limited in their ability to mitigate impacts from inconsistent uses.

Page 107 – Discussion here (second paragraph) states that the City will consider the adoption of a similar complimentary ordinance to the County 's Agricultural Rights, Disclosure and Dispute Resolution Ordinance, which implies that this is a mitigation measure. This does not provide any direction, assurances, or standards but only a suggestion. Please elaborate.

p. 110 (Section 4.1.2.6) - DEIR addresses consistency with LAFCO annexation policies, but overlooks LAFCO Urban Service Area (USA) policies. To annex the lands in question, they must first be included within the USA. Annexation policies are of little actual relevance. The DEIR states that subject area would not be difficult to serve in terms of physical or geographic issues, but does not address fiscal or municipal organization issues. It should indicate much of the fiscal impact analysis is to be addressed in a separate report if that is what is intended.

p. 111 – "Once the General Plan is amended and the CVSP is adopted, the proposed project would not be allowed to conflict with a land use plan or policy that was adopted for the purpose of avoiding or mitigating an environmental impact." Please explain further, as this appears to be circular logic. In fact, the CVSP does present a conflict with applicable County General Plan goals and policies in place for over 25 years that are expressly intended to avoid environmental impacts to rural area resources.

p. 111 (Section 4.1.2.8) - DEIR addresses conflicts with land use plans and policies adopted for purposes of avoiding or mitigating environmental impacts. It concludes that the project would not be inconsistent with such plans. However, there is no emphasis on or significant discussion provided regarding either LAFCO or countywide urban growth management policies reflected in the County General Plan to the effect that massive open space loss and agricultural land losses would be avoided if urban development were not proposed for Coyote Valley and was directed to within the existing urbanized areas.

p. 112 (Section 4.1.2.9) - DEIR concludes project would not physically divide an established community. Little remains of the historic community of Coyote. However, what does remain has some historic value and would be significantly affected.

p. 112 (Section 4.1.3.1) – See comment regarding p. 106 above. The proposed mitigation does not provide any criteria or standards for the future "CVSP Design Guidelines" and design guidelines of any kind will be limited in their effectiveness.

p. 112 (Section 4.1.3.3) - DEIR alludes to Bailey Avenue and Bailey-Over-the-Hill (BOH). Construction of new BOH roadways, converting a winding, scenic two-lane rural road to a four

lane or expressway thoroughfare, would have significant unavoidable open space loss and habitat impacts, potentially disrupts rural hillside land use, and, visually alters that landscape.

p. 113-115 (Section 4.1.3.4) - The DEIR discusses the possibility of full and partial mitigation of the conversion and loss of 2,400 acres of prime farmland. The DEIR concludes that partial mitigation by various land preservation methods within the Coyote Greenbelt and elsewhere in the County of Santa Clara, if deemed feasible through future deliberations, would reduce such impact to be less than significant, as stated p. 117, Impact LU-10. Unless a very substantial percentage of the 2,400 acres could be mitigated one-to-one within the County by permanent preservation methods, the DEIR cannot conclude that mitigation measures described would reduce the impact to less than significant levels. This area is one of two remaining large scale agricultural areas in Santa Clara County in generally large parcels, the other being lands south and east of Gilroy. The evidence presented in the discussion of mitigation does not support a conclusion that this impact could be reduced to less than significant levels. Feasibility of obtaining easements or acquisition of greenbelt lands for mitigation is not addressed.

Page 114 – Discussion of agricultural mitigation – The DEIR needs to elaborate further on environmental impacts from purchasing land and converting it to agriculture (cultural and biological resource impacts). In addition, the DEIR should specify specific performance standards regarding these mitigation lands. The DEIR only states that the suitability of agricultural mitigation sites will be “determined by an agricultural economist.”

p. 116-117 (Section 4.1.4 Conclusions re: Land Use Impacts) - The DEIR lists conflict with existing zoning for agricultural use as a potential threshold of significance (bullet 2, p. 105). Given that all the subject lands that are unincorporated are zoned by the County “A, Exclusive Agriculture” for agriculture as a primary use and to preserve agricultural lands, the project would conflict with current County zoning which is A-40ac. or 40 acres minimum lot size. This zoning is applicable throughout the Urban Reserve and UGB.

p. 116-117 (Section 4.1.4 Conclusions re: Land Use Impacts) - The DEIR does not adequately report that the intense urbanization of the lands in the UGB will likely cause changes in the existing environment that will result in further conversion of farmland to non-agricultural use (threshold bullet 3, p. 105). It can reasonably be expected that intense urbanization of the Urban Reserve Area will promote residential and residential estate uses on the existing parcels in the Greenbelt and surrounding hillsides, due to proximity and inflation of land values. Although the project would not be growth-inducing in the sense that it necessarily would lead to more rural unincorporated subdivision than could otherwise occur under existing County General Plan and Zoning Ordinance regulations, it will nonetheless spark significant new residential uses and development in the Greenbelt and cause it to be developed more rapidly than otherwise. This expected outcome will also be counterproductive to the well conceived but long term implementation of strategies to promote agricultural use and parcel consolidation in the Greenbelt area. Such impacts would be a potentially significant, if indirect, impact of the project.

p. 116-117 (Section 4.1.4 Conclusions re: Land Use Impacts) - Impacts 1, 2, 3, 4, 5, 7 address impacts within and to some extent, outside the CVSP Development Area resulting from the interface between intense, high density urban development and lower density residential and rural open space uses. The DEIR concludes that these are mostly less-than-significant impacts.

By concluding these impacts are generally less than significant by relying on unspecified Design Guidelines and policies, the DEIR does not adequately address how such impacts might be avoided or more satisfactorily mitigated through land use planning which would not place such high density urban uses and building forms within the transition areas of approximately 250-500 feet inward from the UGB. To elaborate, the draft land use plan component of the CVSP will result in mid-rise office and residential buildings immediately abutting grazing lands, rural residential lots with single family homes, and various agricultural uses, without significant consideration to the use of alternative, lower density, adequately buffered uses in the transition areas. Such alternatives would have less immediate impact on surrounding rural lands intended to remain permanently non-urban. More importantly, lower density transition area uses would more likely, over the long term, reduce pressures to allow higher density use and development outside cities on rural county lands. The ability to maintain the urban growth management policies of the County to prevent urban scale uses and development types outside cities and their USAs could be tested in this geographic area more than any other urban-rural interface.

Page 117 – Further describe and substantiate how the project will not physically divide an established community. The community of Coyote currently exists in Coyote Valley and the intensive urbanization under the Specific plan will dramatically impact residents within that community.

TRAFFIC

General Comment - The EIR makes consistent references to the “City of San Martin”. The community of San Martin is an unincorporated community within Santa Clara County.

Page 143 - Thresholds of Significance – As the project will result in impacts to road segments and intersections within the unincorporated areas, the thresholds of significance need to incorporate County Roads & Airports standards.

Page 174 – 177 – The listed mitigation entails extensive improvements to numerous intersections in the region. In many instances, the traffic mitigation will require the purchase of additional right of way (Almaden Expressway, San Martin Avenue, etc.) and construction beyond the existing right of way. The EIR needs to discuss further secondary environmental impacts from widening these intersections, which could include impacts to adjacent trees, buildings and habitat.

General Comment – The DEIR does not include any analysis of potential impacts to pedestrians, bicyclists, and equestrian users resulting from increased traffic levels on county roads. As described below under Noise, the Specific Plan at buildout will create substantial increases in traffic on many rural, unincorporated roads located outside of the Specific Plan area. This increase in traffic increases the likelihood of greater conflict with bicyclists, pedestrians, and equestrian users who presently use these County roads, resulting in increased accidents and fatalities. The DEIR needs to provide appropriate analysis of this potential impact.

NOISE

Page 190 - The Draft EIR uses the wrong thresholds in evaluating noise impacts to county residents within the unincorporated areas. Noise impacts to county residents and properties

within the County jurisdiction are evaluated using the standards and thresholds contained within the County General Plan and the County Noise Ordinance. Please revise the EIR to use these correct thresholds.

Page 197 (Table 4.3-6) - Sections of McKean Road (Harry Road to Bailey) and Harry Roads are incorrectly identified as being within the City of San Jose; they are located within the unincorporated area of the County.

Page 196 - The noise analysis is deficient in evaluating impacts from traffic generated by the project on off-site receptors. While the EIR includes an analysis of increased noise levels on several road segments within the City of San Jose and the City of Morgan Hill many additional roads which will be impacted from the project are excluded from this analysis.

According to the Traffic Study prepared for the Specific Plan (Hexagon, February 2007), many unincorporated roadways will experience substantial increases in traffic levels, as a result of Specific Plan buildout, that results in increased traffic noise affecting adjacent residents and other sensitive receptors. For example, as shown in Table 16 of the Traffic report, portions of Oak Glen will experience a 113 to 157% increase in traffic, portions of Watsonville Road between 88 and 99% increase in traffic, Metcalf Road between 363 and 538%, and on Malech Road will experience traffic increases by 1024%.

A common principle in estimating noise impacts associated with traffic is an increase in noise levels at least 3 dBA if traffic volumes double. As shown in the statistics above, traffic will increase from 2 and 10 times over existing volumes, which could result in noise impacts of between 3dBA and 30 dBA to adjacent residences and other sensitive receptors along the listed rural roads. The Draft EIR needs to be revised to evaluate these noise impacts which were not included within the initial EIR.

Page 202 - Mitigation listed for "Roadway Noise Outside of the Development Area" is incomplete and does not provide for a clear method of implementation. As stated under MM NOI-8.1, the feasibility of determining if a sound wall will be installed along the edges of streets will be determined by a detailed study of the roadway segments at a later date. Per provisions in CEQA, determining if a mitigation measure will be feasible cannot be deferred to later studies. As the EIR concludes that implementation of the project would result in significant impacts associated with roadway noise outside of the development area, now is the time to include an analysis and study regarding the feasibility of all recommended mitigation measures. At a minimum, under CFR 15126.4(a)(1)(B), the City needs to articulate the specific standards of performance that they will enforce should the articulation of actual mitigations be deferred until later.

Page 202 - Mitigation listed for potential noise impacts associated with the Bailey over the Hill road states that future construction of the road will be subject to General Plan policies and other measures to be considered at the time of development. This mitigation measure does not provide any specific mitigation but instead only references the General Plan, which applies to all properties within City of San Jose, regardless of CEQA. The DEIR needs to be revised to create specific, performance based mitigation measures for this potentially significant impact, in conformance with CEQA. See CFR 15126.4(a)(1)(B).

Page 203 – Impact NOI-9 incorrectly refers to vibration mitigations.

CULTURAL RESOURCES

General Comments - Draft EIR determined that there is a moderate to high potential significant impact to cultural (including historic/architectural) resources. Mitigation measures (Page 232) focus on the identification and evaluation of those areas not previously reviewed. Future identification and evaluation of resources is not an acceptable mitigation measure as it defers the analysis and disclosure of environmental impacts, which is the purpose of the EIR.

The document states that only 35 architectural resources have been identified within the Plan Area, which covers approximately 7,000 acres. One can assume that additional architectural resources are present in this vast area which will be likely impacted by future development. In addition, some of the identified resources have not been evaluated. Therefore, the environmental impacts in the area of architectural resources have not been appropriately evaluated.

The Draft EIR assumes that there will not be any demolition of potential historic resources and that future development and redevelopment of significant architectural resources will encompass preservation and protection. At least two properties (86 Monterey Road-M65 and 8820 Santa Teresa Blvd-N29, Appendix F, Table 8.2) identified as being eligible for the California Register has a Medium to High Density or Mixed Use specific plan designation. It is logical to suppose that there is a high potential for demolition of a historic architectural resource in this case and as such, the possibility of demolition should be covered in the environmental analysis. In addition, the Draft EIR (Appendix F, Table 8.1) identifies the Specific Plan designation for some properties as “Hamlet”. However, and the land Coyote Valley Specific Plan Draft Land Use Plan (what will essentially be the General Plan and zoning designation) does not mention the Hamlet and sets forth the land use designations for these areas as mixed use and high density residential, not historic district or “Hamlet.” Thus any kind of historic resource protection is not provided for in the Land Use Plan.

Page 231 - The EIR does not provide adequate analysis of paleontological resources within the Specific Plan Area. In discussing this impact, the DEIR states that “known paleontological resources were recovered during archeological monitoring of the Metcalf Energy Center and that there is a potential for them to occur during construction.” However, no further study of paleontological resources is included within the EIR. If past studies have demonstrated that there is a high likelihood that these resources exist onsite, subsequent surveys are necessary to reasonably evaluate this impact within the DEIR.

Page 231 - Analysis contained regarding potential impacts to cultural resources from the Bailey over the Hill road improvements is insufficient. The EIR initially discloses that there are seven recorded prehistoric archeological sites and three historic properties within the corridor area (pg 228), and acknowledges that construction of the road could impact these resources (resulting in a significant impact). The DEIR then states, however, that impacts will be reduced to a less than significant level because “the future roadway will be subject to ... General Plan policies In addition, *“it is assumed that mitigation measures similar to the ones described above would be considered at the time of development (pg 237).”* This mitigation approach is based on future

analysis, studies, and speculation, and it is impossible to discern if it will be adhered to and conclusively result in a less than significant impact as stated.

Page 234 - A mitigation measure (MM CR-3.2) states that new construction in the Coyote Valley Specific Plan Development Area located near eligible historic architectural resources shall be consistent with their historic character. Given the variety of future development proposals and land use designations, most of which are fairly high intensity, it does not seem likely that it will be feasible to implement this as mitigation measure.

Page 234 - Mitigation measure MM CR-3.2 also states that the Hamlet of Coyote is considered to be an appropriate location in which to move and rehabilitate eligible structures. Since a case-by-case analysis of the setting of all eligible resources has not been completed, it cannot be presumed that relocation from an original site will not have a significant potential impact on some resources. Nor can it be assumed that the Hamlet setting would be an appropriate site for relocation. Many of the resources in the Coyote area are rural in character and their setting is integral to their historic significance. Moving these historic resources to a district setting may not be appropriate. In addition, resources may involve cultural landscapes and relocation could cause a potential significant impact. The Draft EIR stated that only preliminary cultural landscape fieldwork had been done, therefore, the analysis is incomplete.

Page 236, MM CR-33 and 4.3. Under what circumstances would historic architectural resources be documented according to Historic American Building Survey standards? HABS documentation does not mitigate to a less than significant level demolition or substantial alteration.

In Appendix F, Section 1.4, page 4, Development was cited as potentially having a positive impact on cultural resources in that “development could result in the discovery of valuable scientific information and add significantly to the interpretation and understanding of the region’s prehistory and history. Disturbance of cultural resources by proposed development should not be set forth as anything but a potential impact.

The County recommends the following Mitigation Measures to adequately address potentially significant impacts to historical resources:

Properties identified as listed or eligible for the National Register of Historic Places, California Register of Historical Resources or city landmarks shall be locally designated as city landmarks and historic districts where appropriate and require review through the Historic Preservation Permit process by the Historic Landmarks Commission when alteration or demolition of such properties are proposed.

Page 236 - Discussion of impacts to the Kessling Walnut trees results in an unclear and directionless conclusion. The DEIR concludes that the project will result in significant and unavoidable impacts if the trees are removed, however does not describe why it is not feasible to retain the trees at this time. The EIR appears to defer a determination of final impact significance to later construction activities, which is not the discretionary action associated with this Specific plan. The finding of impact significance and identification of clear, enforceable mitigation measures (to avoid significant impacts) must be included within this EIR.

BIOLOGICAL RESOURCES

Page 278 - The second paragraph states that the proposed project includes the construction of three water tanks and access roadways in the foothills of the Santa Cruz Mountains to the west of the CVSP area. Further description of these water tanks needs to be included within the project description with details regarding their size, potential location, and access. Potential environmental impacts associated with the construction of these water tanks needs to be included, including potential impacts to cultural and visual resources.

Page 280 – Discussion regarding California Red-legged Frog and California Tiger Salamander states that suitable habitat for both species may be located on properties that were not surveyed as part of the DEIR. This project will result in the intensive urbanization of these unsurveyed, undeveloped lands, which likely contains important habitat for a number of threatened and endangered species. No information is provided regarding which properties were not surveyed, their size, location, and likelihood for the presence of wildlife species. As adoption of the Specific Plan will allow for the development and urbanization of these unsurveyed areas, sufficient analysis and disclosure is needed within this DEIR regarding potential environmental impacts.

Page 281 - While impacts to Burrowing Owl habitat have been quantified (1,130 acres), the potential loss of habitat for other special status species, including the California Red Legged Frog, California Tiger Salamander, is not. Why?

Page 283 - In discussing impacts to the Dusky footed woodrat, the DEIR states that impacts to Coyote Creek would not occur with the implementation of the CVSP. However, earlier on page 279, the DEIR alternatively states that two bridges will be constructed over Coyote Creek and that it may be necessary to place bridge supports in Coyote Creek. Please clarify and correct impact discussion accordingly.

General Comment - Discussion of impacts to Biological Resources resulting from the project does not adequately address potential off-site impacts to wildlife species and migration corridors resulting from dramatic increases in traffic associated with the project. As stated earlier and as disclosed within the Traffic report, many off site rural roads will experience dramatic increases in traffic volumes following buildout of the Specific Plan. Many of these rural roads pass through sensitive habitat areas which provide important upland habitat and migration corridors for threatened, endangered, and special status species. For example, the traffic report prepared for the DEIR shows that traffic volumes along portions of San Felipe, Metcalf, and Malech road will increase by up to 1,024% over existing levels. Many sections of these roads traverse important wildlife corridors and upland habitat for a variety of wildlife species, and the increase in traffic may result in significant impacts such as road kills and barriers to movement. The DEIR needs to be revised to evaluate these potential offsite impacts.

Page 297 - Proposed mitigation measures for potential impacts to California Red Legged Frogs and Yellow Legged frogs include future protocol-level surveys for these species to determine presence, and “whenever possible, California Red Legged Frog and Foothill Yellow Legged Frog habitat will be avoided and those areas preserved.” Subsequent mitigation for the California Tiger Salamander also states that future protocol level surveys will be completed in

the Specific Plan development area and “whenever possible, CTS habitat will be avoided and those areas containing CTS will be preserved.”

This approach to mitigation defers analysis and studies that must occur now regarding the presence of these species and habitat on the project site. Whereas the DEIR concludes that the project would result in the loss of approximately 1,130 acres of potential Burrowing Owls nesting and foraging habitat (page 281) based on several observations of the species in the area, it defers making a determination regarding the presence of these special status amphibian species and the amount of habitat that occurs on site. The DEIR should be revised to provide a good faith analysis of the total potential habitat which exists within the project area and potential impacts (habitat removal) from the proposed project. In addition, the listed mitigation for the California Tiger Salamander regarding avoidance of habitat appears infeasible regarding the upland habitat required for the species (2,200 feet of aquatic habitat), as the land use plan indicates that most of these areas are designated as medium to high density residential.

Page 289 - Analysis of potential biological impacts associated with the Bailey over the Hill alignment is incomplete. While the DEIR acknowledges that the area where the road is proposed contains sensitive biological habitats such as riparian and oak woodlands and may contain habitat for special status plant and animal species, such as the Santa Clara Valley Dudleya and California Tiger Salamander, no subsequent analysis, including reconnaissance or protocol level-surveys, were conducted to provide disclosure if these species exist onsite.

Page 302 - Mitigation for potential significant impacts to the candidate Heritage trees onsite indicates that prior to implementation of the CVSP, all trees shall be inventoried for Heritage Tree status. This approach to mitigation defers analysis regarding the classification and status of existing trees within the project site, which needs to occur at the time of preparation of the DEIR. This approach regarding the future inventorying of trees onsite is akin to deferring the determination if potentially historic structures qualify for listing on the California Register of Historic Places as part of environmental analysis.

Page 306 - Listed mitigation for significant biological impacts from the Bailey over the Hill roadway alignment are that “future construction of the ... roadway would be subject to San Jose 2020 General Plan policies as well as other measures to be considered at the time of development”. This mitigation does not provide any specificity or a codified and fully enforceable approach to avoiding the identified biological impacts.

ENERGY AND MINERAL RESOURCES

p. 395 (Section 4.12.3.3) - DEIR states that impacts to mineral resources are insignificant because the area does not contain significant mineral deposits. While that may be true, there is no discussion of the impacts upon demand for regional supplies of construction aggregate from nearby sources, similar to the discussion of demand and supply for energy resources in the DEIR. The State and construction materials industry estimates that there is a shortfall of regional mineral resource supplies for the road and building construction proposed in the next 10-20 years, not including the addition of a new city of 50,000+ jobs and 25,000+ residents in the Coyote Valley. The additional demand to construct development in the CVSP, for roads, infrastructure, and buildings will likely result in additional quarry proposals within the region, additional

transportation impacts associated with long range transport of aggregates, or both, not to mention potentially higher costs. The DEIR needs to be revised to adequately disclose the potential impacts on regional mineral resources.

WATER SUPPLY IMPACTS

Page 422 - The discussion of secondary impacts of installing water supply facilities in the Coyote Greenbelt is incomplete with respect to potential significant impacts to biological and cultural resources. For example, the discussion regarding Cultural resources impacts states that "although a records search and literature review for prehistoric resources was not completed for the ... Greenbelt area, it is believed that resources are located in the Greenbelt. It is believed that groundwater recharge basins would not be placed in a way to disturb these resources".

This approach to analysis and mitigation both defers analysis required within the DEIR regarding the presence of resources, and speculates regarding future actions as mitigation measures, which is not compliant with CEQA.

Page 428 - Discussion of Water Supply for the Specific Plan indicates that the proposed methods of water supply are uncertain. While the DEIR describes several methods of providing more recharge water to allow additional groundwater extraction within Coyote Valley, it is unclear if any of the proposed methods are feasible at this time. On pages 423 and 424, the DEIR states that the City of San Jose is still determining the feasibility and costs of an Advanced Recycled Water Treatment Facility. Given that this proposed water supply system may be infeasible, the DEIR needs to discuss in greater detail alternative water supply sources. The discussion of Alternative Water Supply Sources on page 428 includes general discussion of a 100,000 acre foot reservoir which may be constructed by the Santa Clara Valley Water District, irrespective of the project. No other alternatives to water supply are discussed which makes this analysis inadequate.

POPULATION, JOBS, AND HOUSING

p. 400 (Section 4.13.2.2) - DEIR states that the project would increase jobs disproportionately to housing, improving the City of San Jose's jobs-housing balance, consistent with the City's General Plan. Indeed, this objective is the primary reason for San Jose to consider urban expansion into the Coyote Valley, and always has been. The DEIR concludes there is no significant adverse impact to San Jose, but does not address the regional implications or potential impacts of increased housing demand. For example, other cities and unincorporated rural areas may be expected to experience increased growth pressures as a result of housing demand directly or indirectly associated with CVSP. There should be some quantification of the expected increase in housing demand for Santa Clara County based on the jobs-housing imbalance within the CVSP as a basis for disclosure and discussion of potential impacts to other jurisdictions.

ALTERNATIVES

In general, the depth and range of alternatives included within the DEIR is insufficient. The proposed project consists of a Specific Plan which will result in up to 25,000 residences and 50,000 jobs within a 3,400 acre area which currently consists of mostly rural undeveloped land.

It is a new city of the population of Mountain View in a much more condensed area. According to the DEIR as presently written, implementation of this Specific Plan will result in up to 20 significant and unavoidable impacts and 11 significant and unavoidable cumulative impacts, which includes impacts to regional roads, air quality, agricultural lands, open space, and visual resources. Given the size of the project, its regional importance, and the disclosure that numerous significant environmental impacts will result from the project, one would anticipate that a wide range of alternatives would be discussed which incorporate variations in density, size, and design of the Specific Plan to properly disclose to the public and decision-makers how alternatives could reasonably reduce the listed environmental impacts while still achieving the basic objectives of the project. That is one of the fundamental purposes of CEQA.

However, the alternatives included within the DEIR are limited to only five alternatives: (a) No Project, (b) Reduced Scale Alternative I, (c) Reduced Scale Alternative II, (d) the "Getting it Right" plan, and (e) Alternative Location in North San Jose. At least two are required at minimum under the CEQA. In addition, the project objectives listed for the CVSP on p. 431 are the statements of guiding principles for developing the CVSP for its specific geographic location, developed by the Task Force and City Council early in the process. For purposes of an adequate alternatives analysis for such a large regional project, the objectives should be more objectively stated and distilled from these principles. As is, they skew the alternatives analysis in favor of the Coyote Valley location alternatives.

While the alternatives described provide a good start for exploring other options for accomplishing the objectives of the Coyote Valley Specific Plan without creating extensive significant environmental impacts, there is insufficient analysis contained within each alternatives discussion to reasonably understand the design and nature of the alternative. Both the Reduced Scale I and II alternatives describe a smaller project and a limited development footprint which could avoid identified resources, however no maps or schematic project designs were included with each Alternative to provide an appropriate analysis of the project and its merits or faults. Instead, the DEIR qualitatively describes each alternative and how it could affect known agricultural resources, biological habitat, and cultural resources within the Specific Plan area without showing design specifics. As such, discussion of these alternatives does not provide sufficient meaningful analysis to determine if they are viable alternatives to the proposed project.

In addition, it is obvious that there are several other alternatives which could be evaluated which would feasibly allow the project to achieve many of its basic objectives without resulting in over 30 significant and unavoidable impacts as disclosed in the DEIR. For example, the "Getting it Right Plan" specifically designed the project to allow the same density of development within a smaller footprint. The analysis within the DEIR concludes that the project would still result in significant traffic, noise, and air quality impacts based on the intensity of the project. However, an alternative has not been evaluated which concentrates the urban uses within the Specific Plan into a smaller development footprint. While the Reduced Alternatives I and II generally discuss this approach, as stated above, no specific design principles or plan schematic were incorporated into the analysis. Using GIS mapping principles and constraints analyses akin to those advocated by Ian McHarg and others, an additional alternative would specifically designate development for areas which do not contain cultural and natural resources, such as oak woodlands, wetlands, cultural resources, heritage trees, serpentine habitat, and (to the extent

possible) prime farmland. By designing the project to avoid these sensitive areas and developing at a smaller scale (e.g.: 10,000 dwelling units / 25,000 jobs), we anticipate that the level of significant and unavoidable impacts would decrease.

In order to assist in this analysis and properly provide a "good faith" evaluation of the merits of the alternatives, a matrix should be incorporated into the DEIR which shows both the impact level of each alternative and the proposed project along with the extent that project objectives have been met.

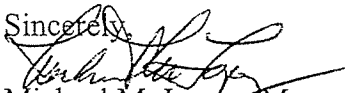
GROWTH-INDUCING IMPACTS

p. 524-525 - the DEIR addresses briefly the jobs-housing imbalance within the CVSP and potential impacts to housing demand in other cities, particularly Morgan Hill and Gilroy. However, no significant mention is made of the potential increase in development interest, pressures, and demand within the nearby rural unincorporated areas, especially the Coyote Greenbelt, and rural areas surrounding Morgan Hill.

The DEIR concludes that the CVSP would not result in any new environmental impacts that have not already been addressed in the General Plan environmental review documents for the affected jurisdictions. However, those unincorporated areas could see the most marked changes over the 25-50 year implementation of the CVSP, given that most of southern San Jose is built-out, Morgan Hill governs residential growth through its growth control measure, and Gilroy housing markets are somewhat farther removed.

The County's 1994 General Plan EIR and development projections were based upon a trends analysis in new residential development for the previous 10-15 years of development from 1980. Future trends for new residential and non-residential uses in rural unincorporated areas affected most directly by adjacent CVSP development would need to be increased based on the approval and development of the CVSP. The CVSP assumes that development within the San Jose and unincorporated surroundings will be in accordance with existing County and San Jose General Plans, which is appropriate regarding subdivision activity, but residential use on the many substandard existing lots in the area should be expected to increase, and proposals for non-residential uses such as sports fields, also will increase. The DEIR needs to include the potential growth inducing effects on the nearby rural unincorporated areas and revise this discussion in the DEIR to accurately disclose the impacts of the CVSP.

If you have further questions regarding our comments, please feel free to contact me at (408) 299-5772.

Sincerely,

Michael M. Lopez, Manager

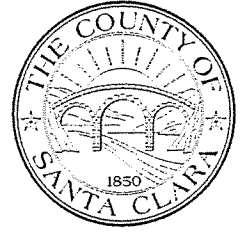
CC: Val Alexeeff, Director, Department of Planning & Development

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County of Santa Clara

Roads and Airports Department

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June 22, 2007

Darryl Boyd
Principal Planner
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Subject: Draft Environmental Impact Report for the Coyote Valley Specific Plan
File No. GP06-02-04/SCH # 2005062017

Dear Mr. Boyd:

In response to the Notice of Availability of Draft Environmental Impact Report for the Coyote Valley Specific Plan File No. GP06-02-04/SCH # 2005062017, the Santa Clara County Roads & Airports Department has reviewed the CVSP DEIR released March 29, 2007, and is providing the following comments. In addition, Roads & Airports has obtained the services of a respected traffic consultant to provide an independent review of, and comment on, the DEIR. The traffic consultant's report is attached as APPENDIX A, and is submitted as part of the County's review and response to the City of San Jose.

General:

1. The DEIR needs to recognize the jurisdictional responsibility of the County of Santa Clara. The DEIR assigns intersections and roadways under the jurisdiction of the County to nearby local cities, whether or not they are actually within city limits or under their jurisdiction. This practice is extended to the "City of San Martin," a city that does not exist.
2. The proposed improvement on McKean Road includes the payment of fair share for the cost of signal installation at the intersection of McKean Road and Bailey Ave. We strongly believe this is inadequate. Most of McKean Road lacks paved shoulders for bike and pedestrian use, turn lanes to adjacent property, acceleration /deceleration lanes and two-way median turn lanes. The DEIR needs to evaluate McKean Road from an operational viewpoint utilizing appropriate roadway capacity rather than traffic volume only.
3. The traffic impact analysis report indicates that most if not all the CVSP traffic would use US 101 for trips north and south of the project area by way of four interchanges with US 101. Using this assumption minimizes traffic impacts to

roadway sections along Monterey Road, Santa Teresa Blvd, Uvas Road, McKean Road and Almaden Expressway, which results in no improvement being proposed for these roads (with the exception of a few intersection improvements in San Martin). We disagree with this analysis, especially since no capacity improvements are proposed for US 101 (see page 92 and 182 of appendix C), despite the fact that ten sections of U.S 101 are impacted. The report states no feasible improvement to US 101 will be implemented as part of the CVSP. This is another reason that the above mentioned roads will be impacted contrary to the conclusion of the DEIR traffic impact analysis. The DEIR needs to evaluate traffic impacts to County roadway sections as a relief / spillover for US 101, and not assume most of the CVSP traffic will use US 101.

4. It is proposed that Santa Teresa Blvd. be terminated at the new East Central Road. The termination of Santa Teresa would produce additional congestion on Monterey Road, McKean Road and Uvas Road. The City needs to reconsider this proposal, or identify mitigation measures for the impacted roadways.
5. Page 347 of the DEIR for the North San Jose Development Plan (NSJDP) first paragraph indicates that the Coyote Valley development would require two additional lanes for Monterey Highway. Also, the NSJDP indicates the need for Bailey Ave. / McKean Road to be reconstructed as a new four to six lane arterial extending to the northwest and connecting with Almaden Expressway in addition to extending LRT to Coyote Valley. The CVSP is a much larger development than what was assumed in the NSJDP, yet the mitigation measures by the CVSP is not near what is called for in the NSJDP. The CVSP DEIR needs to be revised to reflect the improvements suggested by the NSJDP and explain why the two reports are not consistent in their findings.
6. The current land use plan does not include Gavilan College. Gavilan College officials have purchased the property and are proceeding with the College. Our understanding is that the housing/jobs that were placed on the College site have been moved to another location within CVSP, so the overall housing/jobs numbers have remained unchanged. However, Gavilan College will be adding new trips, especially since the students as well as the faculty/employees are commuting to the school. City staff have stated verbally that the College trips would not impact peak hour congestion; however, experience elsewhere in Santa Clara County have shown that areas leading to other universities and colleges experience substantial increased traffic congestion when the schools are in session. The traffic analysis needs to include the trips generated by Gavilan College and clearly define the assumptions on number and time of trips.
7. The County's Expressway Planning Study found that with the proposed Coyote development, and with the improved Bailey and realigned McKean connection, by 2025 there would be a need for substantially more improvement on Almaden Expressway than indicated in the CVSP DEIR – see www.expressways.info. An

effort needs to be made to reconcile these disparate findings. One possibility is that the primary causes for the difference are the near-term analysis approach combined with the difference between baseline traffic conditions in 2001 versus 2005 as a result of the economic downturn and increased US 101 capacity. We question the value of a near-term analysis using downturn data for a development where "Build-out... is anticipated to occur over a 25-50 year timeframe."

8. The report suggests a "fair share contribution" toward a "regional funding plan" to implement the recommendations of the South County Circulation Study (SCCS). We support this approach, but would point out the SCCS recognizes traffic spillover resulting from the significant through traffic delays projected on US 101. The "regional funding plan" will need to provide not just for an insufficient widening of US 101, but also for significant local street mitigations as well. To be consistent with the traffic analysis approach, the CVSP project's "fair share" mitigation participation in the regional plan can be based on CVSP's percentage of near-term growth.
9. The traffic impacts and recommended mitigations are based on the near-term analysis, as if the CVSP was built out today. However, the CVSP will take 25 to 50 years to complete and the long term cumulative analysis is the more realistic situation. With the near term approach as used in the DEIR, the increased traffic from the CVSP is absorbed into today's transportation system and mitigations required are smaller scale capital improvements (e.g., add a turning lane to an intersection). However, larger scale capital improvements (e.g., an interchange) may actually be needed for the same locations under the long-term cumulative analysis. In addition, intersections that today are LOS A thru D may be LOS E when the project is actually built and the addition of project trips will tip the intersection to LOS F, triggering a mitigation. The mitigations should be based on a phasing plan with the last phase/full buildout of the project analyzed using the long term, cumulative impacts so that the actual mitigations that may be needed and CVSP's contribution to cumulative traffic impacts can be clearly identified.

Section 2 - Description of Proposed Project:

1. Page 14, Subsection 2.1 – The DEIR states "An extension of Bailey Avenue to the southwest towards the Almaden Valley would be considered in the future once it is required for development to proceed." Bailey-over-the-Hill is the only east-west connector between the CVSP and Almaden Valley. The timing of this extension is critical, because it has the potential to double or triple the volume of traffic on the rural roadways to the west (Uvas, McKean, Almaden Expressway). The DEIR should clearly state what triggers or traffic volumes would have to occur in order to require the extension to be constructed.

2. Page 27, Figure 2.0-5 (Conceptual Circulation System) – This Figure shows Monterey Road and the North/South Arterial as 6-lane arterials. The text states that for both of these roadways there is right-of-way for 6 lanes but only 4 lanes are planned. The map should be revised to reflect what is actually planned and was modeled in the traffic analysis (4 lanes). Although there is ROW for 6 lanes, it is not part of the CVSP project to have 6 lanes on these roadways making the map misleading.
3. Page 28, Subsection 2.1.7.3 – The DEIR states, “The CVSP includes a roadway system to serve traffic within Coyote Valley and traffic moving through the Valley. Some of the major components of this system are shown in attached figures and are also described below.” One of the components identified is Bailey Avenue which is partially described as, “On the west side of Coyote Valley, Bailey Avenue is planned to be extended as a four-lane arterial (two lanes in each direction) over the Santa Teresa Hills northwesterly to connect with McKean Road and ultimately with the southern end of Almaden Expressway. The area in which the roadway would eventually be constructed is shown on the City of San Jose’s General Plan, and two alternative alignments are under consideration as shown on Figure 2.0-9.” The four-lane roadway alignment of Bailey-over-the Hill is also shown on Figures 2.0-2 and 2.0-3. However, in Appendix C – Transportation Impact Analysis, the Roadway Segment Analysis Tables, (Table 9 – Year 2005 Plus CVRP, Table 16 – Existing Plus CVSP, and Table 23 – Existing Plus Partial CVSP), all clearly show that Bailey-over-the Hill was only analyzed as a two-lane roadway (one lane in each direction). This is a major flaw in the traffic impact analysis as the lane configuration (two-lane roadway) does not match the project description (four-lane arterial) for Bailey Avenue. Due to this error in analysis, traffic impacts from the project as described on the roadways to the west (Uvas, McKean, and Almaden Expressway) are under stated by a factor of two to three times. The traffic analysis should be re-run with Bailey-over-the Hill as both a four-lane arterial and a two-lane rural road to determine the true impacts and the necessary mitigation measures resulting from the CVSP.

Section 4 – Transportation and Traffic:

1. Page 139, Subsection 4.2.1.6, and Page 44, Appendix C, Background Conditions – These sections note that the DEIR traffic analysis for background conditions includes the Coyote Valley Research Park (CVRP) and that the CVSP project would supersede the CVRP project. However, the DEIR does not clearly explain how the CVRP trips and required mitigations are treated in all the traffic study scenarios (e.g., Near-Term CVSP Buildout). At a meeting on May 7, 2007, City of San Jose staff distributed a handout (see Attachment B) that defines the assumptions for each CVSP EIR traffic study scenario. This information should be included in the DEIR, adjusted as needed to accurately reflect how the CVRP trips were treated in each scenario and explaining how the CVRP mitigations were treated.

2. Page 146, Subsection 4.2.2.2 under Trip Generation - The last paragraph states that "40% of the projected person trips would stay within the CVSP." Since the types of commercial development are not stated or not known at this time, the percentage of person trips would seem to be arbitrary. We believe the 40% internal person trips is an unrealistic assumption. In fact, when City of San Jose Environmental staff were asked about this at the CVSP Task Force meeting on May 21, 2007, they stated that the 40% figure was a really, really big number, and they know of no other place in the country where there are numbers that high. Also, in the NSJDP, page 346, San Jose stated that 20-30% was a maximum that could be predicted. By using an unreasonably high percentage of person trips that stay within CVSP, the traffic impact external to the project are underreported. A more realistic internal person trip percentage should be used, and citations made where this percentage actually exists in a comparable community to that planned in the CVSP DEIR. In addition, the report needs to state how many of the trips assume that the internal transit circulator and the external transit system, (Caltrain, bus service, etc.), are in place.
3. Page 164, Subsection 4.2.2.11, Traffic Spillover - The DEIR indicates that Monterey Road and Santa Teresa Road would be widened, however, elsewhere the DEIR indicates these two roads are to remain as is (not including intersection improvements). The DEIR should be consistent, and clearly state the number of lanes planned for Monterey Road and Santa Teresa Road.
4. Page 164, Subsection 4.2.2.11, Traffic Spillover - The report includes discussion of "Traffic Spillover," and concludes "the proposed project would not result in significant impacts associated with traffic spillover". That conclusion is narrowly framed by limiting the discussion to the area "in the Greenbelt." Our understanding of the preliminary results of the South County Circulation Study (SCCS) is that spillover traffic will be significant, widespread and profound given the projected degradation of service on US 101 (densities projected at twice the definition of LOS F). The CVSP DEIR offers no freeway widening and notes "for this particular project, these [freeway LOS] impacts must be considered significant." Logic, as supported by the SCCS, suggests that if the freeway is significantly impacted and no mitigations are proposed, traffic spillover effects will also be significant. The County has experienced this spillover effect on our roadways prior to the dot-com bust in 2001. Spillover effects on all local roadways, not just those in the Greenbelt area need more thorough evaluation and disclosure in the DEIR.
5. Page 164, Subsection 4.2.2.11, Traffic Spillover - A more thorough spillover traffic evaluation should include consideration of the concerns provided to the city in response to the Notice of Preparation, regarding the impacts of increasing traffic on rural roads not designed or built to convey the increased level of traffic. As stated under comment 3. of the Roads and Airport response to the CVSP NOP,

high traffic demand on rural roads causes issues with safety (sight distance, shoulder widths, drainage, etc.), and premature deterioration of the pavement. The DEIR should address these types of impacts, and include the resulting mitigation measures.

6. Page 165, Subsection 4.2.2.12, Temporary Impacts Associated with Project Phasing – The DEIR states: “While project phasing has not yet been determined, the CVSP project shall phase traffic improvements commensurate with what is required for the proposed development phase” and “Although the proposed project may result in short temporary periods of time where congestion could be greater than described in this section of the EIR, these impacts would be temporary, and ultimately mitigated.” This leads to the conclusion in Impact TRAN-23 that the “Temporary traffic impacts associated with project phasing would be less than significant because mitigation . . . will ultimately be provided.” This conclusion is completely unsubstantiated. The CVSP will take 25 to 50 years to implement, and there could be long periods of time between phases. Without a phasing plan, there is no way to determine the level of “temporary” impacts of interim phases and whether they are of a nature that could wait 10 or 20 years to be mitigated. In addition, there are no indications of at what point each mitigation would be triggered. The DEIR needs to clearly define the land use and transportation infrastructure phasing in reasonable timing increments (e.g., 10 years per phase) so that the impacts of each phase can be analyzed, temporary impacts identified (along with mitigations for significant impacts), and overall project mitigations can be linked to the phases of development. Without an analysis of phasing impacts, the DEIR cannot substantiate a finding that the temporary traffic impacts associated with phasing would be less than significant nor can there be assurances that traffic improvements will be phased commensurate with the land use phases.
7. Page 165, Subsection 4.2.2.13 Construction Traffic Impacts – In the last sentence in the third paragraph, language should be added to the effect that construction routes would be chosen “to avoid local roadways maintained by other jurisdictions.”
8. Page 174, Cordon Line Analysis - The Cordon Line Analysis provides some improvement to County roadways, which are the same as those improvements that are proposed due to project traffic impacts. Therefore, it appears no new improvements are proposed based on the Cordon Line analysis. On page 172, Impact TRAN -25, it states, "Based on the screen line impact criteria, the proposed CVSP General Plan amendment would result in the V/C ratio and the corresponding increase in traffic volumes on all studied roadway links to exceed the threshold of significance." What are the mitigation measures for traffic impacts related to the screen line impact criteria?

Section 6 – Cumulative Impacts:

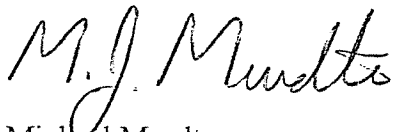
1. Page 481, Subsection 6.3.2.8, Cumulative Traffic Impacts – In the forth bullet, the DEIR states in part, “The proposed CVSP project would include....the widening of Bailey Avenue between Coyote Valley and Almaden Valley.” As stated in the County’s comments under Section 2, this description of Bailey widening does not match the two-lane Bailey in the Appendix C roadway segment analysis. The traffic analysis should be re-run with Bailey-over-the Hill as both a four-lane arterial and a two-lane rural road to determine the true impacts and the necessary mitigation measures resulting from the CVSP.

Appendix C

1. Page 58, Table 9 – The lane capacity of 1200 VPH shown in the table for Uvas Road, McKean Road, Metcalf, San Felipe and Malech Road are over stated, and do not reflect the geometry of the actual roadways. The 1200 VPH used in Table 9 is a reasonable traffic volume capacity for main roadways such as Monterey Highway. It is not, however, a reasonable capacity to be used on County rural roadways and does not account for actual field conditions existing on Uvas, McKean, Metcalf, San Felipe and Malech roads. The vehicle capacity on these roadways are constrained by a number of the following factors: narrow lanes, lack of paved shoulders, aggregate base shoulders or no shoulders at all, lack of turn lanes, lack of acceleration and deceleration lanes, lack of a two way left turn center lane, numerous public and private road and driveway connections with residential or commercial type activities, sharp horizontal and vertical changes in roadway alignments, steep grades both along the roadway, and on each side of the roadway, narrow bridges and box culverts, multi-modal use such as bicycles and motorcycles, sight seeing and recreational vehicles, some with trailers, school bus stops, and other factors that limit the capacity on these roadways. The Transportation Research Board Highway Capacity Manual (HCM) specifies the need to adjust the roadway capacities for these less than ideal conditions, and provides a number of theoretical adjustment factors to be applied for the various roadway conditions. Based on the County’s experience in operating these roadways, the following lane capacities should be used in the DEIR traffic impact analysis to accurately account for actual field conditions: McKean Road and Malech Road - 850 VPH; San Felipe Road - 650 VPH; and Metcalf Road and Uvas Road - 550 VPH. The LOS analysis should be recalculated using these more accurate road capacities to determine actual traffic impacts and mitigation measures required for these roadways.
2. Page 58, Table 9 - Road capacity and thus the resulting LOS conditions for Uvas, McKean, Metcalf, San Felipe and Malech Roads should be revised to reflect actual field conditions as discussed in the comment above.

3. Page 63, Figure 20 – The Figure shows 8% of project traffic going “Over the Hill”, or about 10,000 vehicle trips daily using the study’s assumptions. This traffic will be joining traffic looking for a route around traffic blockages on US 101 and through Coyote Valley by way of the McKean/ Uvas alignment. No attempt is made to quantify the local and regional spillover, and the McKean/ Uvas alignment is not discussed much beyond noting that McKean and Bailey will warrant a traffic signal under project conditions. If a signal is warranted, will Uvas need turn lanes and shoulders? Will the increased traffic result in a need for significant pavement rehabilitation on Uvas? The DEIR needs to be revised to address the impacts to the McKean and Bailey Road intersection.
4. Page 97, Table 16 - The rapid housing growth in the Evergreen / Silver Creek area and the direct connection of Bailey with Metcalf, San Felipe, and Malech Roads that feed that area, coupled with DEIR projected congestion on US 101 creates an attractive alternate route to the CVSP. Therefore, the traffic impacts to these roadways appear to be understated. This is especially the case considering the spillover of traffic from US 101. The DEIR needs to evaluate traffic impacts to County roadways sections as a relief / spillover for US 101, and not assume most of the CVSP traffic will stay on US 101 when US 101 is experiencing stop-and-go conditions.

Sincerely,



Michael Murdter
Director

cc: Jane Decker, Deputy County Executive
Kim Kernan, County Counsel Office
Dan Collen, Roads & Airports Department
Mike Griffis, Roads & Airports Department
Bill Lee, Roads & Airports Department

ATTACHMENT A – TY Lin International Comment Letter June 5, 2007

ATTACHMENT B – City of San Jose Handout dated 5/7/2007 titled “CVSP EIR
Traffic Study Scenario”

4

TYLIN INTERNATIONAL

engineers | planners | scientists

June 5, 2007

Michael Griffis
Santa Clara County Roads and Airport Department
101 Skyport Drive
San Jose, CA 95110

Subject: Review Comment on Coyote Valley Specific Plan (CSVP) DEIR

Mr. Griffis:

This letter provides a summary of my review comments on pertinent sections of the *Coyote Valley Specific Plan (CVSP) Draft EIR* (March 2007) related to transportation and traffic.

Based on my understanding from *Section 1.0 Introduction, Background, and Project Objectives*, the purpose of the EIR is for adoption of CVSP to be incorporated into the City of San Jose General Plan for the form of a new Coyote Valley Planned Community land use designation and the pre-zoning and annexation of the unincorporated CVSP area to the City of San Jose. It is not clear if the EIR is being used by the City of San Jose to grant development entitlements for all development projects in CVSP. Clarification about whether separate focused transportation impact analysis will be provided for individual project development within CSVP must be provided in the EIR and should be made an express part of the mitigation measures.

Comments regarding transportation and traffic of the CVSP DEIR are summarized below:

1. Land Uses - Table 2.0-2 (page 15) shows 50,000 industry-driving jobs with an additional approximately 5,000 non-industry (government and retail) jobs plus 26,400 housing units in CVSP. The last sentence under "Project's Land Use Estimates" on Page 61 of *Appendix C – Transportation Impact Analysis* states that the project would add 57,060 jobs and 25,550 residential units to the CVSP area. Because jobs and residential units generate different number of trips and trip patterns in the peak hours, the DEIR needs to clarify land uses used in the transportation impact analysis and how the identified impacts and mitigation measures would be affected if land uses used for the transportation impact analysis were different from the proposed land uses to be adopted for the purpose of the CVSP EIR. Without this information, it is not possible to determine if the generation of trips has been adequately analyzed.
2. Background Intersection Improvements – It is not clear if all and which of the mitigation measures associated with the approved Coyote Valley Research Park (CVRP) were reflected in the background conditions assessment. Please clarify in which alternatives the CVRP mitigation measures were included.

3. Near-Term Transportation and Traffic Impacts - The DEIR claims in Section 4.2.2 (page 143) that the near-term study assumes that the CVSP would build out or at least partially build out within 3-5 years to ensure that the associated traffic impacts and necessary mitigations are fully disclosed and understood. It also states that this approach provides the best basis for defining internal transportation needs within the specific plan area. However, information available by using this approach as presented in Section 4.2.2 of the DEIR and the methodologies used for the near-term analysis as detailed in *Appendix C – Transportation Impact Analysis* can not provide a basis for defining transportation needs for the impacted roadways outside the specific plan area. As stated in Section 4.2.2.13, the build-out of the proposed CVSP project is anticipated to occur over a 25-50 year time frame. In order to define both internal and external transportation needs, the DEIR should use a reasonable estimate of project phasing for at least three horizon years: near-term developments within 3-5 years, partial CVSP consistent with the San Jose GPA horizon year of 2020, and the ABAG projection/VTa model horizon year of 2030 so the potential impacts from increased traffic are not understated in the DEIR.

Additionally, the following are concerns associated with the derivation or estimation of project trips for the study roadway segments and intersections:

- a) Because the near-term analysis was intended to assess the conditions if CSVP were to be built out in 3-5 years, the magnitude of project traffic and the locations where that traffic would appear should use a near-term model (such as 2010) to reflect demographic conditions when the build-out of CSVP occurs in 3-5 years. The use of a near-term model could result in different magnitude of traffic produced by the build-out of CVSP and the locations where that traffic would appear as compared with the use of VTA 2030 Model. As stated in *Section 4.2.2.2 Introduction and Methodology*, VTA 2030 Model with the 2030 demographic projections consistent with those prepared by the Association of Bay Area Government (ABAG) was used to estimate the magnitude of traffic produced by the build-out of CVSP and the locations where that traffic would appear. *According to Appendix C – Transportation Impact Analysis*, CSVP project trips on the study freeway and roadway segments as well as study intersections derived from the use of VTA 2030 Model were then added to the "Background" traffic (2005 plus CVRP) for assessment of Project Conditions. The DEIR should clarify whether a near-term model rather than a long-term model with the 2030 demographic projections as stated in Section 4.2.2.2 was used for the analysis. If a near-term model was used for the analysis, reference to 2030 demographic projections in Section 4.2.2.2 should be removed.
- b) VTP 2030 roadway improvement projects that will not be constructed within 3-5 years should not be reflected in the model run since these improvements would not occur if CSVP project was to be built out within 3-5 years for the purpose of the near-term analysis intended in the DEIR. It is unclear if roadway improvements not associated with the approved development projects and the proposed CVSP projects were reflected in the 2030 VTA model. The DEIR should clarify the roadway network assumption or provide a list of roadway

improvements reflected in the VTA 2030 Model used for the near-term analysis so assessment of potential traffic impacts can be verified.

- c) The DEIR should also clarify if all roadway and/or freeway interchange improvements, not just the background intersection improvements as listed in Table 4.2-5 (pages 139 and 140), for all the approved projects were reflected in the VTA model for the near-term analysis so assessment of potential traffic impacts can be verified.
- 4. Project Trip Generation – According to page 146 of the DEIR, about 40% of the projected person trips would stay within the CVSP. However, Table 4.2-7 on page 147 shows 30% and 35% internalization for AM and PM peak hour vehicular traffic, respectively. The DEIR should disclose how the daily person trip internalization factor was converted to different internalization factors for AM and PM peak hour vehicular traffic.
- 5. Temporary Impacts Associated with Project Phasing - Deferring the ultimate mitigation measures as described in Sections 4.2.5 and 4.2.6 without being staged in accordance with the individual project or phased developments in CVSP would result in significant impacts on affected roadway segments and intersections for unreasonable periods of time between the phased developments. Impact TRAN-23 on page 165 of the DEIR states that temporary traffic impacts associated with project phasing would be less than significant because mitigation, as described in Section 4.2.6, will ultimately be provided. Because the build-out of the proposed CVSP project is anticipated to occur over a 25-50 year time frame (as stated in section 4.2.2.13), there could be long pauses between the phased developments. Because staged roadway improvements are not provided for the temporary impacts associated with project phasing in the DEIR, the need for focused transportation impact analysis studies for individual projects within CVSP should be identified as a mitigation measure in order to determine which of the ultimate mitigation measures as described in Sections 4.2.5 and 4.2.6 and which of the project roadway improvements as listed from page 147 to page 149 should be implemented prior to the individual project development throughout the 25-50 year time frame.
- 6. Partial CVSP Conditions – Partial CVSP conditions with 20,000 jobs and 10,000 residential units were assessed as one of the two near-term impact analysis scenarios as documented in section 4.2.3. The following are comments for the Partial CVSP Conditions:
 - a) The near-term analysis for the Partial CVSP Conditions should also use a near-term model as commented in 3 (a), (b), and (c) above for the build out of CVSP Project Conditions. The DEIR should clarify whether a near-term model rather than a long-term model with the 2030 demographic projections as stated in Section 4.2.2.2 was used for the analysis. Without this information, it is impossible to determine whether the impacts were adequately analyzed.

- b) The DEIR should clarify the mode split factors used for both the full CVSP and partial CVSP analyses. It is stated in the first paragraph under *Section 4.2.3.1 Trip Generation* on page 166 that with the full build-out project trips, 86% of the partial CVSP project trips would be made by automobile, 6% would be on transit, and 8% would be walk or bike trips. However, it is stated on page 146 for the full CVSP that 88% would be made by automobile, 4% would be on transit, and 8% would be walk or bike trips.
 - c) The second sentence of the second paragraph on page 100 of *Appendix C – Transportation Impact Analysis* states that the partial CVSP development levels are consistent with the amount of development already approved within CVRP and other developments that provide for up to 36,000 jobs. The DEIR should clarify whether 36,000 jobs or 20,000 jobs plus 10,000 housing units as stated in section 4.2.3 were used for the Partial CVSP Conditions analysis. The DEIR must explain the discrepancy and describe how the discrepancy would affect the assessment of the potential impacts and the mitigation measures required for the identified impacts if there is a discrepancy.
 - d) The last sentence of *Section 4.2.3.5 Conclusion* for the Partial CVSP near-term analysis states that mitigation measures for the impacts of the Partial CVSP are the same as those for build-out of the CVSP. Thus, the DEIR must clearly state that mitigation measures described in Sections 4.2.5 and 4.2.6 are required under both the build-out of CVSP and Partial CVSP Conditions.
7. CVRP Approved trips - The DEIR should explain why some of the roadway segments have lower volumes under the Project Conditions than the Background Conditions. Comparison of Table 9 on page 58 and Table 16 on page 96 in *Appendix C – Transportation Impact Analysis* shows that traffic volumes on some of the roadway segments under 2005 + CVSP Conditions (CVSP Project Conditions) are lower than the 2005 + CVRP (Background Conditions). For example, northbound Santa Teresa Boulevard between Cottle and Bernal Roads has 983 vehicles in the PM peak hour under the 2005 + CVSP Conditions and 1,201 vehicles under the 2005 + CVRP Conditions.
8. Cumulative Impacts - As stated in *Section 6.1 Introduction*, the purpose of the cumulative analysis is to allow decision-makers to better understand the potential impact which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this DEIR (last sentence of the first paragraph). It also states that the CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (first sentence of the second paragraph). However, information provided in the DEIR does not satisfy these two statements. The following concerns need to be addressed in order to provide adequate analysis of the potential cumulative impacts:
- a) As stated in *Section 6.3 Analysis of Cumulative Impacts*, with the exception of traffic, the thresholds of significance used throughout the analyses of cumulative impacts are the same as those listed throughout *Section 4.0 Environmental*

Setting, Impacts, and Mitigation and Avoidance Measures. The use of different thresholds of significance for cumulative impact analysis does not allow for better understanding of cumulative impacts as compared with near-term impacts described in section 4.0. Cumulative impact analysis should include analysis based on consistent thresholds of significance with the near-term scenarios.

- b) Cumulative impact analysis was provided for the screen line locations shown as the E/F (congested) links in Tables 6.0-4 and 6.0-5 on pages 475 and 478. It is difficult to review these tables without being able to confirm the specific locations of these links. For example, Link Set 9 is described as 'N of US-101 & I-880' without reference to the crossing roadway. All of the cross streets need to be provided in the tables. Additionally, cumulative impact analysis should be performed for the study intersections as listed in *Section 4.2 Transportation and Traffic* of the DEIR and the freeway and roadway segments as listed in Tables 5, 6, 9, 15, 16, 22, and 23 included in *Appendix C - Transportation Impact Analysis* so the potential cumulative impacts and their severity and likelihood of occurrence at these intersections can be assessed.
 - c) It is essential that mitigation measures required for the study intersections and freeway and roadway segments be identified in order to validate that "no feasible mitigation beyond that already included in each (cumulative) project, was identified that would reduce the impacts to a less than significant level" as stated in *Section 6.3.2.8 Cumulative Traffic Mitigation* and again under *Section 6.3.2.9 Conclusions regarding Cumulative Transportation & Traffic Impacts*.
 - d) It is not clear if Bailey-over-the-Hill was modeled as a 2-lane or 4-lane roadway. The DEIR should clarify the number of lanes for Bailey-over-the-Hill used in the cumulative and other analysis scenarios.
9. Mitigation and Avoidance Measures - As stated in *Section 6.3.2.9 Conclusions regarding Cumulative Transportation & Traffic Impacts*, the contribution of the CVSP to the significant cumulative impact will be considerable based on the analysis in Section 4.2.4. Thus, the DEIR must perform the following analysis to provide disclosure of the potential impacts of the CVSP project:
- a) Percentages of CVSP traffic contribution on the study intersections and freeway and roadway segments under the cumulative conditions, similar to Tables G-9 and G-10 of *Appendix C – Transportation Impact Analysis* should be identified so they can be used to evaluate the magnitude of the considerable CVSP impacts. They can also be used as a reference for the project's fair share contribution toward the mitigation measures required for Impact C-TRAN-1 through Impact C-TRANS-4 based on the General Plan Amendment screen line analysis and mitigation measures that would be required for the cumulative impacts as commented in 8 (c) above.
 - b) Impacts of Bailey-over-the-Hill as a 4-lane and a 2-lane roadway should be evaluated to see if widening of this roadway can relieve some of the freeways and roadways identified as having unavoidable impacts with no feasible

Michael Griffis
June 5, 2007
Page 6

mitigation measures. Four-lane Bailey-over-the-Hill with additional improvements along Almaden Expressway may be required to reduce the significant impacts on the adjacent freeways and roadways.

Please let me know if you have any questions about the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Chwen C. Siripocanont", with a horizontal line extending to the right.

Chwen C. Siripocanont
P.E., T.E., PTOE

CVSP EIR Traffic Study Scenario

5/7/2007

City of San José

Existing Conditions. Existing conditions were represented by existing peak-hour traffic volumes on the existing roadway network. Traffic volumes collected in approximately 2004-2005 were used in this analysis.

Background Conditions. Background conditions were represented by background traffic volumes with the approved Coyote Valley Research Park (CVRP) on the near-term roadway network. The CVRP project located in North Coyote Valley was approved in April 2002. Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments within each jurisdiction with CVRP.

Near-Term CVSP Buildout Project Conditions. Near-Term CVSP Buildout Project Conditions were represented by background traffic volumes, with the proposed CVSP project, on the near-term roadway network. Background traffic volumes with the project were estimated by adding to the background traffic volumes (with the CVRP project trips removed) the additional traffic generated by 50,000 jobs/25,000 homes within CVSP. Project conditions were evaluated relative to background conditions in order to determine potential project impacts.

Near-Term Partial CVSP Project Conditions. Near-Term Partial CVSP Project conditions were represented by background traffic volumes, with only a portion of the proposed CVSP development levels, on the near-term roadway network. Background traffic volumes with the partial CVSP project were estimated by adding to background traffic volumes (with the CVRP project trips removed) the additional traffic generated by 25,000 jobs/10,000 homes within CVSP. Partial CVSP project conditions were evaluated relative to background conditions in order to determine potential project impacts.

GPA CVSP Buildout Conditions. A long-term General Plan analysis (Horizon Year 2020) consistent with City of San Jose policy evaluated the effects of the amendment of the City's General Plan to reflect 50,000 jobs/25,000 homes within CVSP.

Cumulative GPA With CVSP Buildout. A long-term General Plan analysis (Horizon Year 2020) consistent with City of San Jose policy evaluated the effects of the amendment of the City's General Plan to reflect 50,000 jobs/25,000 homes within CVSP as well as other pending GPA amendments in the City of San Jose.

Cumulative GPA With Partial CVSP. A long-term General Plan analysis (Horizon Year 2020) consistent with City of San Jose policy evaluated the effects of the amendment of the City's General Plan to reflect 25,000 Jobs/10,000 homes within CVSP as well as other pending GPA amendments in the City of San Jose.

2030 ABAG Constrained. This scenario is equivalent to the South County Circulation Study "2030 Committed Scenario" and it used land use data constrained to be consistent with ABAG 2030 projections. The Coyote Valley Specific Plan area, under this long-range scenario was constrained to include a maximum of 10,000 residential units and 20,000 jobs. Future projections of land development within Morgan Hill, Gilroy and unincorporated Santa Clara County were also modeled as constrained to ABAG 2030 levels consistent with the land use assumptions used for the south County Circulation Study.

2030 South County Buildout. This scenario is equivalent to the South County Circulation Study "Full-Buildout Scenario" and it represents full development (approximately 25,000 residential units and 50,000 jobs) within the Coyote Valley Specific Plan area. This long-range scenario was not constrained to ABAG 2030 projections. Future projections of land development within Morgan Hill, Gilroy and unincorporated Santa Clara County were also modeled as General Plan buildout levels consistent with the land use assumptions used for the south County Circulation Study.

5

County of Santa Clara

Parks and Recreation Department

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Los Gatos, California 95032-7669
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Reservations (408) 355-2201
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June 25, 2007

Mr. Darryl Boyd, Principal Planner
City of San Jose Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

**Re: Coyote Valley Specific Plan Draft EIR (CVSP DEIR) (SCH 200506217)
County Parks and Recreation Department's Comments on Draft EIR**

Dear Mr. Boyd,

The County of Santa Clara (County) has been identified as a responsible agency for the CVSP project under CEQA Guidelines Section 15381. In consultation with EMC Planning Group Inc. and Balance Hydrologics, Inc., the Santa Clara County Parks Department (Parks Department) has conducted a review of the DEIR for adequacy regarding the disclosure and analysis of the proposed project's impacts to County resources. The Parks Department submits the following comments specific to parks and recreation impacts on County-owned parkland in conjunction with comments that have been prepared by EMC Planning Group, Inc. and Balance Hydrologics, Inc. on behalf of the Parks Department for this DEIR review.

Previously, the County submitted a 22-page comment letter that was prepared by the Parks Department as part of the July 1, 2005 response to the CVSP Notice of Preparation (NOP). The Parks Department's identified seventeen (17) areas with potentially significant impacts, including potential impacts to land use, biological resources, hydrology and water quality, parks and recreation services, and cumulative impacts to Coyote Creek. In response to the NOP, the Parks Department requested sufficient details be provided in the identified areas to allow for a meaningful response, as required by CEQA Guidelines Section 15082, to fully assess the impacts of the project on County resources. Unfortunately, the DEIR does not provide sufficient details for many areas of potentially significant impacts and should be revised for a meaningful review.

Compliance with the Agreement for Bailey Avenue Overcrossing Easements between County of Santa Clara, City of San Jose and Coyote Valley Research Park, LLC: The CVSP land use plan and DEIR have not addressed the City's legal obligations under the Agreement for Bailey Avenue Overcrossing Easements which the City and County entered into



on July 9, 2001. According to this tri-party agreement, the City and CVRP are required to plan, build and open for public use a paved, multi-use trail within the Coyote Valley planned development area that will complete the cross-valley regional trail connection for the *Bay Area Ridge Trail* and *Juan Bautista de Anza National Historic Trail* routes, as identified in the Board-approved *Santa Clara County Countywide Trails Master Plan Update* of the County General Plan (November, 1995). The CVSP land use plan, urban design concepts and phasing plan have not fully disclosed the details regarding the timing and completion of this future trail alignment within CVSP area. Additionally, the DEIR neglects to describe how this cross-valley, regional trail route would be integrated within the circulation pattern for this new town.

Impacts to Public Services (Parks and Recreation) - Loss of public parklands: Prior to the release of the Notice of Preparation (NOP) for the DEIR, the County and City staff met to discuss parks and recreation concerns regarding the CVSP land use plan on March 9, and April 20, 2006. At these meetings and at other Technical Advisory Committee (TAC) meetings held as part of the CVSP planning process, the Parks Department advised the City staff that County parkland would not be available for private development or mitigations for CVSP project impacts. The CVSP land use plan, however continues to assume that the County would accept the proposed changes to land ownership and non-park uses for the areas east of Monterey Road that are under County ownership.

In meetings with the City, the Parks Department has stated numerous objections to the City's proposed use of County parklands and has identified encroachments of up to 20 acres within Coyote Creek Parkway County Park. Despite the County's objections, the DEIR fails to re-evaluate the proposed encroachments upon Coyote Creek Parkway County Park. These parklands are already managed as resource management zones for the protection and enhancement of a sustainable riparian habitat corridor and cannot be considered mitigation for impacts from private development. Further, the DEIR does not acknowledge that any proposed changes to use of public parkland must be acceptable to the overall General Plan goals, policies, and guidelines of the County and that the County's Board of Supervisors has the ultimate authority to approve any changes in land use and ownership of County-owned lands. Thus, the DEIR fails to disclose that these mitigations are likely infeasible as the County will not consent and the development and/or City is unlikely to be able to acquire these lands without consent.

Even if the land could be acquired without County consent, the DEIR fails to disclose that the replacement of County parkland affected (the amount of which should be disclosed) would be required as in-kind replacement, at a minimum (California State Public Resources Code, Section 5400, *et. seq.* Public Park Preservation Act of 1971).

The DEIR contains no analysis of these impacts and should be revised to identify the amount of parkland to be affected by the project. The DEIR should also identify appropriate in-kind

mitigation and proposed location of replacement parkland within the project area and adjacent to an existing County Park.

The DEIR assumes that the County may be willing to accept proposed off-site mitigation measures for project impacts related to wetlands and open water communities and impacts related to riparian communities on County land adjacent to Coyote Creek (as identified under MM BIO-2.2 and MM BIO-5.1). Public parklands contained within Coyote Creek Parkway County Park are not available for off-site mitigation purposes for the CVSP project, and such uses would be inconsistent with the Board-adopted policies of the *Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan (approved by the County Board of Supervisors, March 2007)*.

Impacts to Public Services (Parks and Recreation), - Need to provide additional public parklands: In response to the NOP, the Parks Department identified the need for the CVSP to provide regional parkland, based upon the service level objectives/standards set forth in the City of San Jose's General Plan policies (DEIR states that, "the City seeks to provide 7.5 acres of regional/City-wide parkland per 1,000 residents..."). Because the CVSP land use plan fails to plan for additional regional parkland within Coyote Valley, the DEIR also fails to evaluate the recreational impacts related to increased public use of existing parks and trails within the County's regional parks in the project vicinity. The DEIR fails to adequately evaluate the public services impacts of the project associated with 80,000 to 90,000 new residents and work day visitors from the 55,000 new jobs using Coyote Creek Trail, Coyote Creek Parkway and other County parks in the vicinity. On page 411 in the Public Services section, the DEIR merely dismisses any impact stating that, "[d]evelopment of the CVSP was acknowledged in Santa Clara County's Coyote Creek Parkway Master Plan," implying that there would be no impacts to the park facility because the CVSP was merely mentioned in the County's master plan. The DEIR is completely void of any analytical basis for claiming that there will not be significant impacts to County parks. The DEIR should be revised to evaluate the future, long-term impacts of the project on existing County parks, trails and recreational facilities.

The Public Services section of the DEIR does not include thresholds of significance, as does other sections of the DEIR, as required by CEQA. CEQA Guidelines Appendix G, indicates that a proposed project may have a significant impact on the environment if it, "[W]ould...increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated." The existing regional parks and trails network within and adjacent to Coyote Valley would experience huge recreational uses and demands from the CVSP, a new town of approximately 80,000 to 90,000 new residents and work day visitors from the 55,000 new jobs. It is anticipated that the County Parks Department would be burdened with additional recreational demands and maintenance needs for Coyote Creek Parkway County Park, Santa Teresa County Park and Calero County

Park since the city does not anticipate providing additional regional parkland as part of their provision of parks for this project. The DEIR should be revised to evaluate this impact.

Improper conclusions regarding impacts to the Riparian Corridor of Coyote Creek: In response to the NOP, the Parks Department supported the Santa Clara Valley Water District's (SCVWD) recommendation for the DEIR to evaluate the City's riparian setback requirements for the Coyote Creek corridor. The Parks Department also supported the SCVWD's recommendation for the establishment of a performance-based riparian corridor policy where impacts of proposed development on all functions, uses, and values of a riparian corridor are considered, so as to adequately avoid or mitigate the project's impacts (*see July 5, 2005 Letter from Vincent Stephens, PE, SCVWD Community Project Review Unit, to Darryl Boyd, City of San Jose Department of Planning, attached hereto as Attachment 1*). The DEIR includes no such performance measures. Instead, the DEIR states that with the exception of two bridge crossings, all development proposed east of Monterey Road occurs outside the application of a 100' setback from Coyote Creek. No further impacts were identified. No further consideration was given to the need to also provide buffer zones to transition between sensitive biological communities and highly urbanized land uses. Given the failure to provide specific and quantifiable information on existing conditions along Coyote Creek, it is inconclusive that all impacts to the sensitive riparian communities and hydrological functions have been avoided. Further, there are numerous impacts that the DEIR asserts have been reduced to "less than significant" based on the unsupported conclusion that the 100 foot setback is adequate. Specific comments are provided in the attached reports from both EMC Planning Group, Inc. and Balance Hydrologics, Inc.

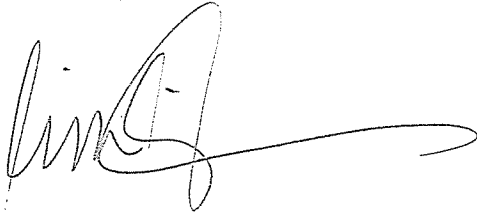
Request from USFWS to meet and confer on issues related to impacts to Coyote Creek and Coyote Valley: In a joint letter to the City, the U.S. Fish and Wildlife Service and California Department of Fish and Game (CDFG) requested that the City, "...in partnership with the Service, CDFG, Regional Water Quality Control Board (RWQCB), and Santa Clara County Parks, meet to reach agreement on what values are commonly desired for the area, identify what data or modeling may be needed to define how to achieve those goals, and produce a draft plan to be incorporated into the CVSP." (January 3, 2007 USFWS and CDFG letter) The Parks Department supports this request and would welcome the opportunity to follow the recommendations of the USFWS and CDFG to meet and evaluate the protection of Coyote Creek, prior to the revision and recirculation of the DEIR and CVSP land use plan.

Information-sharing with the City throughout CVSP planning process: Since the initiation of the CVSP project in September 2002, the Parks Department staff has actively participated in the Task Force Committee, Technical Advisory Committee (TAC) and Parks Sub-Committee meetings, where the Parks Department's concerns, and most recent technical information was shared with the City's staff and project consultants. Focused meetings between City and County staff to review and address parks and trail linkage concerns, interface issues with Coyote Creek

Parkway County Park and share natural resources data that the County compiled for Coyote Creek were also conducted as part of the project's extended Parks Sub-Committee Meetings (6/9/2004, 7/29/2004, 8/12/2004, 1/11/2005, 2/2/2005, 7/21/2005, etc.). Despite all of the County's proactive efforts, the City has not incorporated data that have been developed and provided as part of the *Program Document for the Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan, May 2005*, and site-specific riparian habitat corridor data published in the *Draft Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan, May 2006*. Additionally, the DEIR has not included independent data such as the San Francisco Estuary Institute's *Historical Ecology Study of Coyote Creek, July 2006*. Additional specific comments are provided in the attached reports from both EMC Planning Group, Inc. and Balance Hydrologics, Inc.

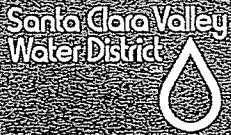
We appreciate that the City has provided additional time for commenting on the DEIR and would appreciate notification on any follow-up actions regarding this plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Killough', with a long, sweeping horizontal line extending to the right.

Lisa Killough, Director

Attachments: July 5, 2005 Letter from Vincent Stephens, PE, Santa Clara Valley Water District Community Project Review Unit, to Darryl Boyd, City of San Jose Department of Planning, Building and Code Enforcement

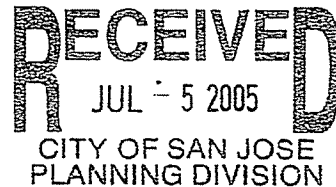


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File: 29241
 Fisher Creek

July 5, 2005

Mr. Daryl Boyd
 Department of Planning, Building, and
 Code Enforcement
 City of San Jose
 801 North First Street
 San Jose, CA 95110-1702



Dear Mr. Boyd:

Subject: Notice of Preparation of a Draft Environmental Impact Report for Coyote Valley
 Specific Plan

The Santa Clara Valley Water District (District) received the subject environmental document on June 6, 2005. For purposes of information, the District was created by an act of the California Legislature that allows the District to operate as a State of California Special District with jurisdiction throughout Santa Clara County. The District Act authorizes the District to "... provide comprehensive water management for all beneficial uses and protection from flooding within Santa Clara County." The mission of the District is a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective, and environmentally sensitive manner. The District has adopted various Ordinances and Policies that allow it to accomplish its mission.

The District will work collaboratively with the City of San Jose (City) and Coyote Valley Specific Plan (CVSP) stakeholders to ensure a shared vision for a sustainable and environmentally sensitive development that contributes to an enhanced quality of life for the existing and future residents of Coyote Valley, the City, and all of Santa Clara County. To that end, in May of 2004, District staff provided Guiding Principles to help the City and its consultants in identifying, developing, ranking, and implementing alternatives for the CVSP. Transmitted for your use is a copy of the principles. These Guiding Principles specifically relate to our Board of Directors' Ends Policies for water supply, flood protection, and watershed stewardship.

The CVSP Draft Environmental Impact Report (DEIR) should assess the impacts of the proposed project in the context of District Statutory powers and duties, Ordinances and Policies, as highlighted in the Guiding Principles and the following comments:

The CVSP DEIR

1. In accordance with Section 21069 of the California Environmental Quality Act (CEQA), and in keeping with the procedures described in State CEQA Guidelines, the District will act as a Responsible Agency for certain aspects of the project, including wholesale

water supply and the operation of the conveyance system for flood protection which may include both Fisher and Coyote Creeks. The DEIR must focus on development of a sustainable project that minimizes the need for mitigation with respect to all elements of water resources.

2. The *Proposed Development* section of the NOP states that the project is developed utilizing the concept of sustainable, transit-oriented, walk able, residential, retail, and mixed-use development (p. 7). The term "sustainable" needs to be defined, particularly in the context of water supply and flood protection. For example, energy use both for water supply and flood protection could result in significant individual or cumulative impacts to air quality from electricity generation.

District Board Policy E-1 states that the mission of the District is a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and the comprehensive management of water resources in a practical, cost-effective, and environmentally sensitive manner. Thus, in the District view, the terms practical, cost effective, and environmentally-sensitive provide a good start toward a definition of the term sustainable. The DEIR should develop alternatives that minimize the environmental impacts and the need for mitigation. Specifically, the project should be developed to minimize the cost and energy use associated with water transport and surface water quality protection (e.g., proposed lake and urban canal circulation).

3. In the *Environmental Effects of the Project, Land Use* section, the NOP states that potential land-use constraints and compatibility between proposed uses will be addressed. The specific compatibility criteria described in the NOP include odors, shade and shadow, electro-magnetic frequencies (EMF), and visual intrusion. In accordance with District policy, compatibility of the urban environment with the creek environment should be studied in the DEIR.

The District Act empowers the District to enhance, protect, and restore riparian streams, riparian corridors, and natural resources in connection with carrying out its projects. District Board Policy E-1.1 requires that opportunities to enhance or restore natural resource benefits of streams and watersheds be identified for specific projects. Accordingly, the DEIR should determine whether new urban uses will impair the ability of the District to enhance or restore natural resource benefits in the creek corridors. Examples of project features that could adversely impact creek corridors include encroachment of high density housing and roadways with inadequate buffers/setbacks or pedestrian/equestrian trails on separate sides of the realigned Fisher Creek. When both compatibility and biological impacts are combined, a setback requirement that is based on adjacent riparian habitat and integrated with any desired recreation elements may be required to mitigate potential project impacts.

Hydrology and Flood Protection

4. The District Act empowers the District to protect the county from flood and storm waters. District Board Policy E-2.2 requires that flood protection facilities be operated and maintained to provide the level of protection for which they were designed in order to protect the community and to comply with regulations of the federal flood insurance rate

program. Flood protection systems to alleviate the existing flooding conditions in the CVSP area should be fully identified and described in the DEIR in order to mitigate the potentially significant effects on locating new development in the area. In addition, the specific flood protection measures proposed for the CVSP must not adversely impact the conveyance and storage improvements identified for the Coyote Valley Research Park (CVRP) development.

The existing Federal Insurance Rate maps on Fisher Creek show the entire site is within designated flood zones, where the base flood elevations have been determined. In addition, portions of the site are in flood zone D, areas of undetermined, but possible flood hazards. To comply with federal flood insurance regulations, the lowest floor and highest adjacent grade of any building must be above the base flood elevation. The District recommends that the lowest floor be a minimum of 2 feet above the 100-year flood elevations for purposes of freeboard.

5. District Board Policy E. 2.2.1 requires that natural flood protection balance environmental quality, community benefit and protection from creek flooding in a cost effective manner. In the long term, flood channels that are designed with geomorphic principles result in reduced sediment removal, bank repairs, and maintenance requirements. Flood protection infrastructure designed in this way are better capable of providing habitat and contributing to water quality goals with the least long term cost. In accordance with these principles, The *Hydrology and Water Quality* sections of the DEIR should clearly describe aspects of the realigned Fisher Creek channel that will result in a geomorphologically stable creek and a functional, modified flood plain without active recreation features (tennis courts, basketball courts, baseball fields, etc.). This approach will support quality riparian and wildlife habitat with minimal channel maintenance requirements in the long term.
6. District Board Policy E-2.2 identifies the objective of ensuring future land use practices *will not subject existing urban areas to additional flooding*. Placing fill in the existing flood plain of Fisher Creek will alter its storage capacity and reroute flood waters throughout the site. Alteration of the flood plain which would cause induced flooding on adjacent property or affect property downstream on Coyote Creek must not occur. The DEIR should evaluate mitigation measures such as: on-stream storage, off-stream storage, combinations of storage systems, and flood conveyance channels should be identified and analyzed to mitigate for the alteration of the flood plain and increasing the amount of runoff from impervious surfaces due to development.
7. District Board Policies E-2.2.1 for natural flood protection and E-3.1.1 for healthy ecosystems would best be served by development of a performance based riparian corridor policy for the CVSP area. The specific policy should develop a riparian corridor requirement based on geomorphic width requirements, habitat width requirements, and recreation width requirements. The sum of these three requirements would result in the appropriate corridor width. Using the City's Riparian Corridor guidelines for the creek systems may result in long term individual and cumulative impacts.

The current City Riparian Corridor guidelines would typically require minimal setback in areas where the tree canopy and understory vegetation is limited and the creek is

unstable. This is the exact opposite of what would be appropriate from a riparian corridor planning perspective. That is, where the creek is most impacted, more area is needed in order to provide for future stability in a significantly different configuration than that which exists today. The DEIR should identify the development impacts and whether a more protective riparian corridor policy specific to the CVSP project may be required as a mitigation measure.

8. District Policy EL-4 identifies the necessity to identify credible revenues for capital projects and operations (e.g., maintenance). Design and construction of the proposed flood protection improvements in Coyote Valley will directly impact the existing flood plain and drainage patterns in the area. If funding sources for the operation and maintenance of the flood protection improvements are inadequate, future maintenance activities may be affected and result in reduced performance and a lower level of protection for which a facility was designed. District ownership, operation, and maintenance of the proposed flood protection improvements in Coyote Valley are contingent upon adequate funding from a financing mechanism or assessments that may be required as part of the approvals for the proposed development. The District is not interested in the ownership of the proposed urban lake and canal. The role of the District pertaining to the operation of the proposed lake for flood protection purposes shall be determined.
9. The District's Act, Section 4(g), empowers the District to: enhance, protect, and restore streams, riparian corridors, and natural resources. Additionally, District Policies E-2.2 and E-3.1 identifies the objective of protecting the environment during formulation of projects and programs which the District may undertake. In keeping with these objectives and purposes, the District recommends that roadways, parking lots, and all site improvements in the CVSP area should be setback from existing or proposed flood conveyance channels and storage areas. For example, since Coyote Creek provides valuable riparian habitat that serves as a wildlife corridor, adequate buffers, and public access controls necessary to protect the resources should be provided adjacent to development. Developments adjacent to creeks should be carefully developed to protect natural resources and to avoid conflicts associated with accessing, operating, or maintaining the flood protection facilities. The DEIR should therefore identify the impacts that development would have on existing and future riparian corridors and the mitigation measures that are to be implemented. The most common mitigation measure would be adequate setback and limited active encroachment which should be scientifically determined by a biologist and fluvial geomorphologist.
10. The trigger for development in Coyote Valley will be changed to allow residential development to start with fewer jobs being created. This will allow for smaller developments to occur that may not require all the flood protection or water supply infrastructure of large scale developments. Development should be properly staged with the construction of flood protection and water supply infrastructure so as to avoid causing induced flooding conditions or adversely impacting groundwater supplies. For example, flood protection improvements (channels and storage) are generally constructed beginning downstream and continue upstream and are based upon full build out of a tributary area. Since build-out of Coyote Valley will occur over two or more decades, constructing an interim set of flood protection measures would be less

problematic than a series of individual elements (e.g., on site detention) constructed in a piece-meal manner. The design and operation of any flood protection system, whether it is interim or final, must be fully defined and provide 10- and 100-year protection. The DEIR should identify the impacts associated with phasing development and discuss what specific mitigation measures will be utilized for the CVSP project.

11. In the unlikely event that Anderson Dam and/or Coyote Dam were to fail, the water within the reservoir would flow downstream and follow the existing waterways. The amount of water routed downstream would depend upon how much water was in storage behind the dam. The DEIR should identify this existing condition and discuss the associated risks of developing the CVSP area.

Surface Water Quality and Storm Water Runoff

12. In order to implement the District's statutory role in protecting the water supply, District Ordinance 83-2, Section 6.1, prohibits the pollution of water supplies of the District, whether in surface streams, reservoirs, or conduits of any kind, or of groundwater, by any direct or indirect means. Development of Coyote Valley will impact surface water quality and potentially groundwater quality. The DEIR should analyze those impacts and feasible mitigation measures. In addition, the San Francisco Regional Water Quality Control Board (RWQCB) regulates municipal storm water flow into the San Francisco Bay and creeks throughout the Bay Area. The RWQCB regulations require storm water from new and redevelopment projects to be treated before being discharged into Bay Area water bodies. Types of storm water controls include routing the runoff through landscaping, ponds, filters, or other options to remove pollutants.

The District works to protect both surface and groundwater quality by emphasizing the use of non-point source water quality treatment measures for new developments and redevelopment sites. The design of the individual sites should incorporate pre and post construction water quality mitigation measures such as those found in "Start at the Source, Residential Site Planning and Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association. Water quality measures such as bio-filters, drainage swales, concave medians, and pervious islands can be utilized on individual sites.

13. District Board Policies E-2.2.2.2 and E-3.1.1 identify the objective of clean safe water in our creeks and bays as well as maintaining healthy creek ecosystems. Increased frequency and volume of runoff from the proposed development can adversely impact the receiving waters of Fisher Creek and Coyote Creek. Impacts consist of erosion, sedimentation, deposition, reduced channel conveyance capacity, and increased maintenance of the channels. The DEIR should analyze these impacts and identify feasible mitigation measures.

Implementation of hydrologic modification measures based upon the RWQCB C.3 regulations are an effective means of mitigating increased frequency and runoff volume. Specific hydrologic modification requirements should be employed for each proposed site development. Since the Coyote Valley groundwater subbasin is unconfined and the soils are highly permeable, retention basins intended to meet the RWQCB

hydro-modification regulations should not be utilized. Using retention basins would result in infiltration of stormwater runoff into the groundwater basin and impact the groundwater quality.

14. A Notice of Intent must be filed with the RWQCB in compliance with the National Pollutant Discharge Elimination System for storm water discharge prior to beginning construction on individual sites. In keeping with the aforementioned District Policies (E-2.2.2.2 and E-3.1.1), the DEIR should include a discussion of this requirement and the Storm Water Pollution Plan that must be prepared for the development(s).
15. District Board Policy EL-7 states that the organization should not be exposed to unnecessary liability. The DEIR should include a Phase I hazardous materials assessment for the lands that may become a part of the proposed flood protection improvements or other District infrastructure should be completed. The Phase I assessment can be used to establish the occurrence of any potential contamination in the soils or groundwater on the site and identify feasible remediation measures.

Water Supply, Recycled Water, and Water Conservation

16. A Water Supply Assessment (WSA) is required by Water Code Section 10910 (SB 610) and should be completed prior to the issuance of a DEIR. Under SB 610, preparing the WSA for new development is the responsibility of the appropriate water retail agency. However, if the CEQA lead agency is unable to identify the retail water supplier for the project, then the lead agency is responsible for preparing the SB 610 Assessment. The WSA should be included in the DEIR.

The WSA completed for the DEIR should evaluate the extent to which the future land uses will likely increase water demand compared to existing land use. The WSA must address whether the projected water supply for the next 20 years—based on normal, single dry, and multiple dry years—is sufficient to meet the demand projected for the project plus existing and planned future uses. This WSA should be in keeping with District reliability policy that calls for making investments such that the water supply needs of our customers can be met without cutback during a repeat of historical hydrology, as stated in the District's Integrated Water Resources Planning (IWRP) Study 2003 and its 2001 Urban Water Management Plan (UWMP). The future water supply should be described in terms of District Policies and IWRP 2003 objectives. The IWRP 2003 objectives are as follows:

- Ensure supply reliability.
- Ensure supply diversity.
- Ensure water quality.
- Minimize cost impacts.
- Maximize adaptability.
- Protect the natural environment (by maximizing benefit to habitat, ensuring environmental water quality, and maximizing efficiency of existing water resources).
- Ensure community benefits (for recreation, flood protection, and land surface subsidence prevention).

17. As the water wholesaler and groundwater manager in Coyote Valley, the City requested the District, in a consultation role, provide information relevant to the water supply for the proposed CVSP. The District prepared a Water Supply Availability Analysis (Analysis) that was transmitted to the City in April 2005 (enclosed). The District's Analysis provides information that will assist in the preparation of the CVSP DEIR for the WSA by the City or water retailer. This document includes: a discussion of the existing conditions in Coyote Valley, the projected water supply based on current operations and facilities, and the estimated water demand after the CVSP is in place. Possible alternatives for supplementing the water supply in Coyote Valley are also discussed. The Analysis is consistent with the District's 2001 UWMP and the 2003 IWRP, both of which considered the water demand from the proposed CVSP. The information and alternatives discussion in the Analysis should be reflected both in the City's WSA and the DEIR evaluation of water resources impacts and mitigation measures.
18. The information provided in the District's Analysis reflected an understanding of the CVSP at that time, which included the City Council's Vision Statement calling for 25,000 households and 50,000 jobs. The NOP states that the CVSP includes approximately 26,600 dwelling units and 53,000 jobs with approximately 1.5 million square feet of retail uses and perhaps two high schools, two middle schools, seven elementary schools, a community college, various parks and festival facilities, and other uses. The water demand projections used in the District's Analysis do not reflect this additional information. As the draft DEIR is developed, it is anticipated that more information on the land use and demographics resulting from the CVSP will be known, necessitating an update of the water demand projections. The analysis of resource impacts in the DEIR should be based on an update of the water demand projections as developed collaboratively between the District, the City, and the CVSP project consultants. Different CVSP project alternatives may have different water demand projections and impacts, which require different mitigation measures.
19. District Policy E-2.1.3 states that water supply is reliable to meet future demands. The impacts of the CVSP alternatives on water supply source availability, water quality, and water reliability in the Coyote Valley area and elsewhere in the District's service area should be evaluated. Preliminary estimates of the water demands in the Coyote Subbasin with the CVSP development are 16,000 to 20,000 acre-feet per year compared to 8,000 acre-feet per year of water used if the subbasin is to remain in balance. Avoiding impacts to groundwater users and the ecological resources dependent on the groundwater resource, including Coyote Creek fisheries, will require mitigation for the water supply impacts. Possible mitigation measures for the impacts to the water supply should be evaluated, including:
 - Aggressive water conservation.
 - Extensive use of recycled water from the existing Silver Creek delivery system.
 - Expansion of the South Bay Water Recycling delivery capacity.
 - Additional groundwater recharge facilities.
 - Treated surface water deliveries.
 - Export of water from the Santa Clara Valley Subbasin.
 - Additional water transfers from other water purveyors in the state.
 - Additional surface water storage in-county or out-of-county.

- Watershed to watershed transfers and storage.
- Additional groundwater storage out of county.
- Altering the land use plan to minimize water supply impacts or shortfalls.

The water supply impacts of the CVSP on existing water users and other future water users within the county should be discussed and potential mitigation measures identified. Any mitigation measures which would create significant effects in addition to those impacts associated directly with the proposed CVSP project need to be analyzed and their mitigation measures should also be identified in the DEIR.

20. A provision of District water supply services may require location of facilities such as percolation facilities within the greenbelt area. At the first CEQA scoping meeting held on June 21, 2005, City staff and the DEIR consultants informed the audience that the greenbelt area would not be studied. To the extent that this means that impacts associated with water supply infrastructure (percolation ponds, transmission pipelines, etc.) required in the greenbelt are not identified, the ability of the District to act as a Responsible Agency would be significantly affected. Project alternatives that require land area or facilities in the greenbelt, whether directly or in order to implement mitigation resources, must be analyzed in the DEIR.

The District's 2003 IWRP identified a need for additional recharge capacity to serve south Santa Clara County in the future, including the CVSP area. The land use alternatives for the project should include the investigation of setting aside land for future recharge facilities in appropriate locations, as identified collaboratively by the City and the District. These facilities can be compatible with other District and CVSP objectives, such as recreation. Potential water supply sources for the recharge facilities should be evaluated from the perspectives of water quality, water supply reliability, and cost both to the CVSP users and to the District's water supply customers as a whole.

21. One evaluation criteria for the CVSP development include ecological sustainability: "CVSP should be designed to minimize waste, efficiently use its natural resources, and to manage and conserve them for use of the present and future generations," including conserving water as a precious resource. This is in keeping with the prohibitions against water waste in the California Water Code and supports District Board Policy E-2.1.3., which states that water supply is reliable to meet future demands.

In order to mitigate the impacts of the new development on water supply resources, the District recommends maximizing water use efficiency measures throughout the CVSP, including residences, businesses, landscaping, and public areas. Water use efficiency measures that should be evaluated by the City in the CVSP DEIR include but are not limited to:

- Dual plumbing for interior recycled water use.
- Recycled water for exterior uses.
- Construction standards that require high-efficiency fixtures (for example, high-efficiency 1.2-gallons-per-flush toilets).
- Construction standards that require high-efficiency devices for outdoor water uses (such as self-adjusting weather-based irrigation controllers).

- The use of fully advanced treated recycled water (e.g., reverse osmosis) for irrigation of large landscaped areas.
- The use of fully advanced treated recycled water for all water features, such as fountains as well as the focal-point lake and urban channel.
- Enforcement of the City's Model Water Efficient Landscape Ordinance (as per AB 325 1990).
- Promotion and use of drought tolerant and native plantings in landscaping.

Requiring appropriate water resource efficiency measures should be included in the CVSP through the zoning code, design guidelines, development agreements, and development permit conditions.

22. Section 13550(a) of the California Water Code states, "The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions" In addition, District Policy E-2.1.6 supports expanding the appropriate use of water recycling in Santa Clara County in partnership with the community.

The CVSP consultants have preliminarily estimated that the large landscape area (parks, schools, right-of-ways, and open space) within the CVSP is 730 acres, with an estimated water usage of 4,000 acre-feet per year. In addition, it is estimated that approximately 1,000 acre-feet of demand in the greenbelt area (primarily at the Coyote Creek Golf Club) could also be met with recycled water if it were available. What has yet to be identified is the amount of recycled water, other than for large landscape areas, which could be supplied for other non-potable uses such as office buildings and common areas associated with the high density housing. The potential for recycled water use within the CVSP should be fully analyzed in the DEIR. Recycled water use, including dual plumbing, should be promoted in the CVSP land use plan, zoning, design guidelines, development agreements, and development permit conditions.

The Silver Creek Pipeline that will serve the Metcalf Energy Center in north Coyote Valley has capacity available to serve additional recycled water users in Coyote Valley up to 5 million gallons per day (mgd). The existing delivery system could be expanded for recycled water use beyond the District's 5-mgd share of the Silver Creek pipeline. Another alternative for expanding the recycled water capacity beyond the District's 5-mgd share of the existing system is through the development of a scalping plant in the Coyote area. Diverting some of the wastewater stream from Coyote Creek and treating it in Coyote Valley provides another source of recycled water, one not dependent on the existing South Bay Water Resource delivery system. Discussion of these alternatives should be included in the DEIR.

Groundwater Quality

23. District Policies E-2.1.1 states that the available water supply meets or exceeds all applicable water quality regulatory standards. The NOP identifies that "appropriately

treated recycled water would also be extended to the Greenbelt area for irrigation and groundwater recharge purposes." The use of recycled water for groundwater recharge purposes will require approval of not only the District but the Department of Health Services, and it is unknown whether that use is feasible in the Coyote Valley. This alternative requires careful evaluation, and the District will work collaboratively with the City to assess its feasibility and its environmental consequences. The DEIR should not conclude that recycled water will be used in to the Greenbelt for groundwater recharge purposes until the evaluation is completed, it is deemed feasible, and the appropriate agencies provide approval.

24. District Board Policy E-2.1.5 states that the groundwater basins are aggressively protected from contamination or the threat of contamination. The Coyote Valley groundwater subbasin is an unconfined highly permeable aquifer with high transmissivities within the Specific Plan area. The groundwater subbasin is currently the sole source of water supply for the Coyote Valley.

Alternatives for zoning, design guidelines, development agreements, and development permits within the CVSP should be evaluated for the impacts on groundwater quality and the groundwater resource, and mitigation measures should be identified and analyzed. Potential groundwater impacts include the following:

- i) Facilities that pose significant risks to groundwater include facilities that handle hazardous materials, gasoline stations, dry cleaners, and hazardous waste generators. Mitigation measures that should be evaluated include siting such facilities outside the groundwater subbasin; siting such facilities outside of wellhead protection zones around existing or future groundwater production wells; prohibiting below-ground storage of chemicals for manufacturing, sale, or commercial purposes; and requiring below-ground storage facilities to be installed in vaults such that they can be visually inspected and repaired as necessary. Active groundwater monitoring with response plans in place that enable early warning and resource protection should be incorporated into mitigation measures for the CVSP. More information on drinking water source protection is available from the District and through the California Drinking Water Source Assessment and Protection (DWSAP) program.
- ii) Any surface waters that have the potential to percolate into the ground must be of such quality as to not degrade the quality of the groundwater. Any water features, flood retention or detention facilities, or storm water runoff will need to be managed and/or treated so that they do not adversely impact the groundwater resource. This is in accordance with the NPDES permit C.3 provisions. Mitigation and monitoring measures that ensure the groundwater basin is protected from water quality impacts from water features and urban runoff should be identified and evaluated in the CVSP DEIR.
- iii) The NOP refers to the use of appropriately treated recycled water. Given the hydrogeology of the Coyote Subbasin, even when recycled water is intended for irrigation, some of this applied water will work its way to the water table and the principal aquifer. The recently completed Advanced Treated Recycled Water

Feasibility Study concluded that the existing tertiary treated recycled water could have impacts on Coyote Valley groundwater quality if used in that area. Using the results of this feasibility study, additional District staff analysis that considered all applicable regulations concluded that recycled water used in Coyote Valley which may percolate into the groundwater subbasin be fully advanced treated. Full advance treatment often includes reverse osmosis and ultraviolet light treatment, or similarly effective treatment options. This conclusion was supported by technical review performed by two different external consultants. This is consistent with the District's policy that the groundwater basins are aggressively protected from contamination and the threat of contamination as stated in the UWMP and the IWRP.

25. District Ordinance 90-1 governs the construction and destruction of groundwater wells. If any groundwater wells will be altered, abandoned, or destroyed, a well permit from the District will be required. The well(s) should be properly registered with the District and either maintained or abandoned in accordance with established standards. For more information regarding well permits please contact the District's Well Services Unit at (408) 265-2600, extension 2660.

Watershed Operations

26. Pumping of the Coyote groundwater basin for water supply is integral to the CVSP project alternatives. District Board Policy E-3.1 states that watersheds, streams, and the natural resources therein are to be protected and when appropriate enhanced or restored. Because groundwater pumping will impact surface waters in Coyote and Fisher Creeks, the *Biology* section must evaluate the impacts of affecting these live streams. Changes in the groundwater elevation may have far-reaching effects on the surface water ecology.
27. The District's operations of Anderson Reservoir, Coyote Reservoir, and Coyote Percolation Dam within the Coyote Creek watershed are governed by the State Water Resources Control Board through water rights obligations and District Board Policy EL-7.8, which states that water rights shall be protected. The District has operational requirements and constraints that must be met. For example, the acceptable beneficial uses under the District's water rights for Anderson Reservoir are limited to domestic, irrigation, and minor industrial uses and do not include architectural water features. The District also must operate Anderson Reservoir and Coyote Canal based upon a court settlement that dictates releases to Coyote Creek. In addition, the District has in-stream obligations under the draft Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) agreement with the regulatory resource agencies (California Department of Fish and Game, RWQCB, U.S. Fish and Wildlife) for the protection of steelhead on Coyote Creek downstream of Anderson Dam. These constraints on watershed operations should be analyzed in the DEIR.
28. In accordance with the September 9, 2003, Memorandum of Understanding (MOU) between the City, County, the Santa Clara Valley Transportation Authority, and the District, a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (HCCP) and related environmental documents are being developed. The DEIR should

Mr. Daryl Boyd
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July 5, 2005

reference the HCP and NCCP and the relationship of any proposed mitigation for CVSP impacts on endangered species as a result of the project.

Thank you for the opportunity to review and comment on the Coyote Valley Specific Plan NOP. Please transmit a minimum of four complete copies of the DEIR and the Appendices when they are available for public review.

For all questions and inquiries for information regarding District water supply, recycled water, flood protection, and watershed operations, please contact me at (408) 265-2607, extension 2439.

Sincerely,



Vincent Stephens, P.E.
Associate Civil Engineer
Community Projects Review Unit

Enclosure

cc: S. Williams, W. Wadlow, J. Fiedler, K. Whitman, M. Richardson, M. Klemencic,
S. Tippets, B. Ahmadi, J. Crowley, B. Judd, D. Higgins, B. Smith, E. Fostersmith,
S. Rose, M. Meredith, T. Hipol, S. Yung, S. Katric, J. Wang, W. Chang, L. Lee,
V. Stephens, File (2)

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Planning for Success.

June 26, 2007

Lisa Killough, Director
Santa Clara County Parks and Recreation Department
298 Garden Hill Drive
Los Gatos, CA 95032-7669

**Re: Coyote Valley Specific Plan Draft EIR (SCH 200506217)
Comments on Draft EIR**

Dear Ms. Killough:

The Santa Clara County Parks Department (hereinafter "the County") is a responsible agency under CEQA Guidelines Section 15381, as the project will require approval by the County for any type of construction within the Coyote Creek Parkway County Park, such as new roads, bridges, or other public improvements. Pursuant to CEQA Guidelines Section 15086(d), Consultation Concerning Draft EIR, County Parks Department has hired EMC Planning Group Inc. (EMC) to review the subject Draft Environmental Impact Report (DEIR) for adequacy regarding the document's disclosure and analysis of the proposed project's encroachment into the Coyote Creek riparian habitat corridor and the project's impacts on the County's natural resources associated with the Coyote Creek Parkway and the adequacy of the mitigations proposed to offset any impacts. Our comments focus on the following areas: environmental setting and project description; biological resources, land use; growth-inducing impacts; and alternatives.

Upon review of specific areas of the DEIR, EMC identified concerns with the adequacy of the DEIR in relationship to the issues under the purview of County Parks. These are summarized in the Introduction section below. This letter is structured so that comments on specific issue areas are detailed following an overview of our major concerns. Impacts are analyzed for their characterization, degree of significance, and the feasibility of the proposals to mitigate them. When possible, alternative mitigation scenarios are offered for consideration.

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

INTRODUCTION

Areas of major concern with the DEIR addressed in this letter are as follows:

- A. Environmental Setting and Project Description.** The DEIR does not adequately describe the project in its regional setting. (See CEQA Guidelines Section 15125 (a)). The DEIR Project Description is for a highly urban area with almost no offsite context. The most obvious omission was an inadequate characterization of Coyote Creek or the land adjacent to the creek.
- B. Biological Resources.** The DEIR inadequately evaluates the Project's impacts on the biological resources of Coyote Creek—including protected biological communities, special status species and habitats, and wildlife movement corridors, as well as the range and degree of possible mitigations.
- C. Land Use.** The DEIR does not address the taking of public parklands.
- D. Growth-Inducing Impacts.** The DEIR underestimates the increase in demand and use the project will have on the County's existing parklands when combined with addition development anticipated to occur as a result of this project.
- E. Alternatives.** The alternatives discussion does not provide quantitative discussion to allow meaningful comparison of the alternatives with the project itself or with each other. CEQA requires that the alternatives require sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Further, as an informational document, the DEIR must contain facts and analysis, not just bare conclusions or opinion.

SPECIFIC COMMENTS

Please note that this letter refers to pagination as presented in the hard copy of the DEIR provided to the County Parks Department for review. The electronic version found on the website contains slightly different pagination.

A. Environmental Setting and Project Description

1. **Page 1, Project Location and Regional Environmental Setting.** CEQA Guidelines section 15125, Environmental Setting, requires an EIR to include a “description of the physical environmental conditions in the vicinity of the project...from both a local and *regional* (emphasis added) perspective.” The description of the regional environmental setting is necessary to gain an understanding of the significant effects of the proposed project and its alternatives. The DEIR does not contain a comprehensive regional environmental setting discussion that would provide the perspective that this new urban area planned for 80,000 to 90,000 residents is actually located in, and surrounded by, rural land. The text focuses only on the setting within the CVSP area itself.

Environmental setting discussions are truncated and relegated to individual issue area sections of the DEIR, e.g., Existing Biological Resources, page 240. This discussion provides a small paragraph with superficial data about surrounding mountains and water courses in the area, but falls significantly short of providing the regional biological resources context necessary to gain an understanding of the project’s effects on the region’s biological resources (i.e., impacts to wildlife corridors). The DEIR should be revised to provide clear textual and graphics depiction of the regional environmental setting, especially with relation to the significant biological resources associated with Coyote Creek, immediately east of the project site.

2. **Page 14, Project Description.** The DEIR does not provide adequate information about the location and extent of impacts for the required infrastructure located on the east side of Monterey, such as the proposed four-lane bridges over Coyote Creek, water tanks, pipeline, and access roads in the foothills of the Santa Cruz Mountains to the west of the CVSP area; as well as the Bailey-Over-the-Hill alignment area (see pages 2 and 18 of the NOP comment letter). The DEIR states on page 277, “[I]mpacts associated with the two proposed four-lane bridges over Coyote Creek were determined based upon the general locations known at this time, and are included in the development impacts to riparian habitat in Table 4.6-7. Once the specific locations are determined, subsequent

environmental review shall be completed to determine specific impacts at the proposed locations of the bridges and use of clear span structures and other techniques to minimize impacts shall be determined at that time.” Because it is difficult to ascertain the specific location of required extensions of roadways, water, sewer, and other utility lines into the project site, the DEIR cannot accurately substantiate the amount of impacted acres of riparian habitat area within Coyote Creek and in the lands adjacent to the park. Based on our own analysis of the proposed land use plan, the project will impact approximately 84.7 acres of area within the minimum 500-foot riparian habitat corridor adopted by Santa Clara County in March 2007 to protect riparian habitat required as part of the *Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan* (Integrated Plan) (please see Attachment 1, Extent of Development with Riparian Habitat Corridor). Additionally, the DEIR states, “[w]ith the exception of the two bridge crossings of Coyote Creek, all of the urban development proposed as part of the CVSP project on the east side of Monterey Road would be constructed outside of the 100-foot riparian corridor setback of Coyote Creek, as required by the City’s Riparian Corridor Policy.” This statement does not identify and address the project’s infrastructure needs and impacts for additional creek crossings, or encroachment into Coyote Creek or onto other County parkland to accommodate roadway, water, sewer, or other utility extensions. This level of information should have been included in the DEIR and environmental review of these specific impacts should not be deferred to a later date. The DEIR should be revised to address these impacts and include mitigations for the project’s infrastructure requirements, which would be required as part of the initial phase of the CVSP project.

B. Biological Resources

The following comments on the biological resources section of the DEIR have been divided into three subcategories: Protected Biological Communities, Special Status Species and Habitats, and Wildlife Movement Corridors. As this comment letter has been prepared for the County Parks and Recreation Department, comments are predominantly focused on potential impacts to the Coyote Creek Parkway; however this section also identifies gaps in analysis of the entire project as well.

General comments on the Biological Resources Section of the DEIR of are as follows:

3. **Page 24, Project Phasing.** Activities affecting biological resources and/or mitigation strategies to protect, enhance, or create habitat should be based on the phasing of

- construction proposed for the build-out of the project. The overall CVSP Resource Management Plan (RMP) should phase impacts to biological resources based on the anticipated cumulative impacts from the entire construction project in context with other regional developments. The RMP needs to clearly state what, where, and when impacts and mitigation efforts will occur, with defined mitigation goals, adaptive management policies, and contingency measures if mitigation efforts are unsuccessful for each phase.
4. **Page 192, Short-Term Noise Impacts.** The DEIR does not evaluate short-term and long-term noise impacts on noise-sensitive wildlife areas within and adjacent to Coyote Creek County Park (see page 11 of the County Parks NOP comment letter). Page 191 of the DEIR states that construction impacts to the Coyote Creek Parkway are described in Section 4.6, Biological Resources; however, we could find no evidence of an impact and mitigation discussion on the noise impacts to the parkway and special-status species located within. Proposed mitigation measures (MM BIO-5.1, MM BIO-5.2) are inadequate to address noise impacts related to construction activities and future noise levels in order to protect the terrestrial, migratory, amphibian and aquatic wildlife species within Coyote Creek. Additionally, the DEIR (page 76, consistency discussion regarding San Jose General Plan's Riparian Corridor and Upland Wetlands Policy #4) incorrectly defers evaluating this potentially significant noise impact. It concludes that the proposed project's lighting, landscaping, hazardous materials storage, and noise impacts would be reviewed for conformance with the requirements included within the City's Riparian Corridor Policy Study at the time specific development is proposed. The DEIR should be revised to include an evaluation of the proposed project's impacts on the Coyote Creek riparian corridor and the wildlife therein, associated with lighting, landscaping, hazardous materials storage, and noise.
 5. **Page 239, Biological Resources,** notes that the site specific surveys were limited to those properties to which the City received property owner permission to access. According to County parks staff, based on a conversation during the May 1, 2007 Technical Advisory Committee Meeting, the City indicated that access was limited to just under sixty percent of the properties within the specific plan boundary. Without information regarding the known locations of the surveyed properties, it is not possible to determine whether analysis of impacts to protected biological communities and special status species and habitat has been adequately addressed. Although this information has subsequently been provided on the City's website, a figure showing the location of areas not surveyed should be included in a revised DEIR and recirculated for review such that reviewers may comment on the likelihood for the presence of wildlife species to occur in

those areas. Based on a review of the graphic found on the website, it appears that much of the area of biological significance (i.e. ponds, watercourses, serpentine grassland, oak woodland) were not accessible. The lack of site specific information for a large percentage of the CVSP area limits the ability of the reader to reach the conclusion that many impacts can be mitigated to a less than significant impact. Once property access is available, survey work should be completed and the analysis should be included in a revised DEIR and recirculated for review.

6. **Page 239, Biological Resources.** The list of documents used to analyze impacts to biological resources includes a jurisdictional wetland delineation. Maps created for this document and conclusions regarding the quantified extent of jurisdictional waters should be included in the analysis of impacts to wetlands and waters of the U.S. CEQA thresholds of significance consider impacts significant if they have a “*substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*” Without maps clearly identifying areas that were included within the delineation and completing thorough quantitative analysis of the acreage of jurisdictional wetlands, the determination that impacts to wetlands streams and ponds is less than significant cannot be determined as stated in Impact BIO-2 on Page 307 of the DEIR. This information should be included in a revised DEIR and recirculated for review.
7. **Page 240, Existing Biological Resources.** CEQA thresholds of significance consider impacts significant if a “*substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFG or USFWS*” is identified. Figure 2.0-1, Draft Land Use Plan, shows development proposed where tributaries are located. The general description under Existing Resources contains references to the two perennial streams within the specific plan boundary, Coyote Creek and Fisher Creek, however, at least five intermittent streams shown as tributaries to perennial streams on the Morgan Hill USGS topographic map are not mentioned (please see Attachment 2, USGS Quadrangle Map). In addition, substantial information has been gathered on the Coyote Creek watershed as part of the Santa Clara Valley Water District’s *Coyote Creek Historical Watershed Ecology Study* (San Francisco Estuary Institute, 2006). No mention of this document or the information regarding the watershed has been included in this document. Thus, the DEIR does not include basic information that would allow a review and analysis of impacts to these tributaries and the determination that impacts to wetlands streams and

ponds is less than significant cannot be determined as stated on Page 308 of the DEIR. Without sufficient review of impacts to the watershed and the species that rely on these watercourses, this section is inadequate. An analysis of impacts to tributary waters should be included in a revised DEIR and recirculated for review.

8. **Page 239, Biological Habitats.** The DEIR did not include detailed information showing which portions of the project were surveyed for biological habitats and which were evaluated using aerial photography. This information needs to be included to accurately evaluate impacts for this project. The DEIR should also include a description of aerial photographs used, including sources and dates, as aerial photographs shown throughout the document (Figure 4.6-1, Biological Habitats in the CVSP Area, for example) are at such a low resolution that habitat types are indistinguishable. It is important to be able to distinguish between habitat types when evaluating the location and extent of special status species, especially in the vicinity of protected habitats adjacent to Coyote Creek. For example, it is difficult to distinguish between ponds with wetland habitat, ponds with riparian habitat, or ponds surrounded by non-native grassland. This is important information when considering the requirements of species such as the California tiger salamander, whose larvae require the cover of aquatic vegetation for use as cover from predators within ponds, such as fish. The DEIR maps do not adequately characterize the range and extent of biological habitats. Without this critical information, the DEIR does not include important and critical documentation necessary to evaluate impacts to biological resources. The figures should be revised and the impacts analysis amended and included in a revised DEIR and recirculated for review.

B1. Protected Biological Communities

The DEIR identifies a total of 13 distinct plant communities in the CVSP project. Of these, six habitats within the CVSP plan boundary are identified by the California Department of Fish and Game (CDFG 1999) as "sensitive" and are protected by state law: wetlands and open water habitats, Central Coast cottonwood-sycamore riparian forest, central coast riparian scrub, serpentine grassland, coast live oak woodland, and valley oak woodland.

Most protected vegetative communities have limited distribution in the CVSP project area. Therefore it is important that they are adequately characterized and mapped so that impacts may be first avoided or minimized, especially since these communities may also provide habitat for special status plant and animal species. Further discussion regarding special status species and habitat can be found in the next section of this letter.

Riparian Corridor and Buffer Width

By definition, riparian zones are a type of ecotone, or boundary between ecosystems. Like many other ecotones, riparian buffer zones are exceptionally rich in biodiversity. Riparian zones perform a range of functions, including trapping and removing sediment from runoff, stabilizing stream banks and reducing erosion, trapping and removing nutrients that can cause eutrophication, trapping and removing contaminants including agricultural and horticultural pesticides, storage of flood waters during high rain events, and provide habitat and regulate temperatures for aquatic organisms. Sediment is the worst pollutant in many streams and rivers. Scientific research has shown that vegetative buffers are effective at trapping sediment from runoff and at reducing channel erosion. To be most effective, buffers must extend along all streams, including intermittent and ephemeral channels (Wenger 1999).

The DEIR has only used two vegetative categories to define riparian zones or habitats within the CVSP. Figure 4.6.2 shows riparian habitat to occur intermittently along the east edge of the area proposed for development with the predominant vegetation to be non-native grassland, despite the fact that Coyote Creek has nearly continuous tree canopy visible in aerial photographs. Furthermore, the *Coyote Creek Historical Watershed Ecology Study* identifies that “some of the best examples of Coyote Creek’s pre-modification riparian habitat can be found in the Coyote Valley between Sycamore Avenue and Highway 101.” (San Francisco Estuary Institute 2006, page ES-5). The study further reminds us that “Important processes tend to happen at the transition between two or more landscape types. As a result, many problems are the unintended consequence in changes in how those landscape types connect to each other.” (San Francisco Estuary Institute 2006, page.II-12). Also, by limiting the definition of the riparian habitat simply to a vegetative definition, the DEIR does not take into account all the functions that such a habitat provides or all the systems that it relies upon to function. Therefore, the DEIR does not provide adequate information to accurately analyze impacts to the riparian community along Coyote Creek. The DEIR should be revised to incorporate a more scientific and accurate definition of riparian vegetation and the impact analysis should be revised accordingly.

Numerous comment letters have been submitted to the City of San Jose from regulatory agencies, commenting on the notice of preparation, expressing concerns regarding the use of a minimum habitat buffer of 100 feet to protect habitats associated with Coyote Creek, including the San Francisco Bay Regional Water Quality Control Board (RWQCB), U.S. Environmental Protection Agency (EPA), Santa Clara Valley Water District (SCVWD), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and the National Oceanographic and Atmospheric Administration’s National Marine Fisheries Service.

Based on the current scientific literature available and factors discussed above, the DEIR has not substantiated with scientific data the justification for implementing a generalized 100-foot buffer for a unique creek corridor such as Coyote Creek within a predominantly rural area. In addition, the analysis contained in the DEIR did not satisfactorily address the issue raised in numerous comments from regulatory agencies.

Concurrent with City efforts to develop the CVSP, the County developed an Integrated Natural Resources Management Plan and Master Plan for the Coyote Creek Parkway County Park. Taking direction from goals stated by the Santa Clara Valley Water District and the concerns of the regulatory agencies cited above, the Parks Department and their consultant team worked from 2004 to 2006 to develop a defined riparian habitat corridor for Coyote Creek. This effort was based upon scientific, quantifiable performance measures and the integrated analysis of site-specific data. The individual buffer requirements for the following five factors influencing Coyote Creek were considered: existing riparian vegetation limits, natural levee soils, suitable upland habitat for selected special status species, minimum wildlife movement corridor, and meander belt zone. Based on this analysis, the Parks Department identified a minimum riparian habitat corridor width of 500-feet to protect Coyote Creek. The five factors used to define the Coyote Creek Riparian Habitat Corridor are listed below.

Riparian Vegetation Limits. The extent of riparian vegetation for the Coyote Creek Parkway was determined through vegetation mapping utilizing the Sawyer and Keeler-Wolf system of vegetative categorization up to 200 feet from the top of bank of the main creek corridor.

Natural Levee Soils. Soils indicative of historical channel and near-channel flood deposition with a clear distinction between upland soils and the lower creek channel were identified and mapped.

Suitable Upland Habitat for Select Special Status Species. Three key species with significant upland habitat requirements were used to determine an appropriate habitat area along the banks of Coyote Creek: California red-legged frog, western pond turtle, and California tiger salamander. A 328-foot movement corridor for California red-legged frog, a 550-foot movement corridor for western pond turtle, and 85-118 feet movement corridors for California tiger salamander (due to close proximity of suitable refugia sites) were used to map the estimated width of habitat required by special status species within the creek.

Minimum Wildlife Movement Corridor. Based on a literature review of wildlife corridors recommended for species found within Coyote Valley, a minimum corridor width of 500 feet

on either side of Coyote Creek was adopted by the County to provide complete function for terrestrial wildlife and some basic functions for avian species.

Meander Belt Zone. A meander belt width analysis was conducted for ten reaches along Coyote Creek based on the orientation of the creek channel on the valley floor. Meander belt widths were calculated for each reach and varied from 320 to 2,780 feet, with an average of 850 feet.

In June 2006, the Parks Department published a draft of the *Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan* ("Coyote Creek Integrated Plan"), which identified the establishment of a Riparian Habitat Corridor as a key resource protection and management component for Coyote Creek (please see Attachment 3, Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan). Based on a weighted consideration of each of the five key factors, a riparian habitat corridor with a minimum width of 500-feet on each side of Coyote Creek, measured from the top of bank, was determined necessary to protect riparian habitat. Additional buffers and setbacks were recommended, based upon varying categories of land uses, to address potential impacts from those land uses on riparian habitats. The Coyote Creek Integrated Plan was approved by the County's Board of Supervisors in March 2007.

Based on the analysis conducted above, the 100-foot corridor proposed along Coyote Creek in the CVSP does not adequately protect riparian resources, special status species, wildlife movement corridors, or creek hydrology within a rural area. Further, it is inconsistent with the City of San Jose's General Plan Goals and Policies regarding riparian corridors and upland wetlands (City of San Jose General Plan, Pages 114-115). The Coyote Creek Integrated Plan prepared by the County satisfies the Riparian Corridor Policy Study's requirements for site-specific analysis. Therefore, application of this existing data and methodology should be considered as an alternative to the definition of a riparian community or corridor for Coyote Creek in the CVSP DEIR. The CVSP DEIR should include this recommendation to evaluate the protection of Coyote Creek with the 500-foot Riparian Habitat Corridor as shown in the Coyote Creek Integrated Plan in a revised DEIR for recirculation and review.

Specific comments on the protected biological communities identified in the DEIR are as follows:

9. **Page 89, Consistency with Santa Clara County Parks and Recreation Department
Coyote Creek Parkway County Park Draft Integrated Natural Resources**

Management and Master Plan. The DEIR includes the Coyote Creek Integrated Plan in its consistency analysis. The DEIR, however, incorrectly concludes that because the project includes a minimum 100-foot buffer from the western edge of the Coyote Creek Riparian Corridor, it is consistent with Guideline #1 (Natural Resource Management) of the Coyote Creek Integrated Plan. The Coyote Valley Specific Plan is inconsistent with this Coyote Creek Integrated Plan policy. The CVSP should be redesigned to eliminate development within the Riparian Habitat Corridor identified in the Coyote Creek Integrated Plan and include additional setbacks or buffer areas adjacent to this minimum 500-foot corridor for an adequate transition area between the Riparian Habitat Corridor and urban development. A revised plan and corridor recommendation should be included in a revised DEIR for recirculation and review.

10. **Page 241, Agricultural Fields.** Figure 4.6-1, Biological Habitats in the CVSP Area, includes wetland features, many of which occur within or immediately adjacent to agricultural fields. This section does not, however, discuss species that utilize wetland features or those that may disperse upland to adjacent agricultural land. In particular, because special status species such as the California red-legged frog, the California tiger salamander, and the western pond turtle all utilize upland habitats adjacent to aquatic features, they are frequently found in annual grassland or margins of agricultural fields. In addition, many species of protected raptors and larger mammalian predators such as fox and coyote utilize agricultural fields as foraging or migratory habitat. Due to the lack of description of wildlife uses within agricultural fields, the potential significance of the presence of this habitat type is not adequately addressed and it is unclear how an analysis of impacts can be completed. The DEIR also does not indicate that upland habitat is highly regulated. A revised DEIR should include a thorough description of habitat use, including upland habitat use by wildlife species, with appropriate mitigation measures to address their impacts prior to recirculation for review.
11. **Page 241, Ruderal Agricultural Fields.** The description of wildlife use within ruderal agricultural fields is inadequate, particularly when considering that some of the parcels shown as ruderal agricultural fields on Figure 4.6-1, Biological Habitats in the CVSP Area, are adjacent to significant habitat areas, such as riparian woodland along Coyote Creek and serpentine grassland within the foothills to the southwest. As described in the comment regarding Agricultural Fields, above, wildlife species use even degraded habitat when found adjacent to features such as wetlands, streams, or ponds. Protected species such as the California red-legged frog, California tiger salamander, western pond turtle, as well as raptor and larger mammal species utilize this vegetative community for

foraging habitat. Due to the lack of description of wildlife uses within ruderal agricultural fields, the DEIR's analysis of wildlife and plant species impacts is incomplete. The DEIR should be revised to include a thorough description of habitat use by wildlife with appropriate mitigation measures to address their impacts prior to a recirculation for review.

12. **Page 242, Figure 4.6-1, Biological Habitats in the CVSP Area.** With the amount of mapped data regarding biological resources available for this area, including the aerial photography, CNDDDB, and data collected by the Parks Department and Jones & Stokes Associates during preparation of the Coyote Creek Integrated Plan, as well as the precision of GPS and GIS data collection, the maps presented in this section are woefully inadequate. Due to the low resolution of this graphic, colors used to differentiate between habitats are difficult to distinguish, particularly between non-native grassland and riparian habitats, as well as between pond and developed area. The DEIR maps are inadequate and limit the ability of the public and the decision makers to understand the significant habitat impacts associated with the project. It is critical to be able to distinguish between habitat types in order to determine if the proposed development would have an impact on resources. Adequate information must be added to this section in a revised DEIR to enable full review of the impacts during recirculation.
13. **Page 242, Table 4.6-2 Biological Communities Present in the CVSP Area.** The vegetative communities listed in Table 4.6-2, Biological Communities Present in the CVSP Area, and described on pages 241 – 247 include Central Coast Cottonwood – Sycamore Riparian Forest and Central Coast Riparian Scrub. The figure combines these areas and titles them “riparian.” The figure should have delineated between the two types of habitats, as certain wildlife species prefer different types of riparian habitat. Many raptor species, for instance, prefer trees within riparian woodland, however songbirds such as the least Bell's vireo prefer low riparian scrub vegetation such as willow, coyote brush, or mesquite. Impacts to the different types of habitat therefore may not be adequately addressed when considering the requirements of special status species. A figure should be included in a revised DEIR that will enable full review of the impacts and evaluation of the proposed mitigation measures during recirculation.
14. **Page 243, Wetland and Open Water Habitats.** The location and extent of jurisdictional features discussed in this paragraph is unclear. The mapping completed for the jurisdictional determinations should be included in this section for review. In addition, the wetland delineation and associated maps for the remainder of the properties

surveyed should have been included in the document for review, and also should include a detailed break-out of the 334 acres listed between freshwater marsh, seasonal wetland, freshwater seep, streams and ponds. Distinguishing between types of habitat is important when considering impacts to special status species. For example, California red-legged frog larvae may occur in stream pools but not in ponds that support predatory non-native fish. The jurisdictional determinations, wetland delineation maps, and a break out of vegetation types should be included in a revised DEIR for review.

15. **Page 244, Streams and Ponds.** The California red-legged frog was omitted from the list of species documented within the North Ogier ponds, as shown on Figure 4.6-3, Approximate Locations of Special Status Species within and Adjacent to the CVSP Area. This figure should be revised and included in the DEIR for review.
16. **Page 245, Central Coast Cottonwood – Sycamore Riparian Forest.** This section acknowledges that this vegetative community is considered highly productive biological habitat, however, only a few species are listed as potentially occurring and there is no mention of special status species. As this vegetation type provides habitat for many species, further information should have been included to discuss the critical role of riparian woodland habitats within the specific plan area, as well as Central California. Discussion should have included the known or potential presence of special status species (California Natural Diversity Database, CDFG May 2007), including bristly sedge (*Carex comosa*), nesting double-crested cormorant (*Phalacrocorax auritus*), nesting great blue heron (*Ardea alba*), nesting snowy egret (*Egretta thula*), Cooper's hawk (*Accipiter cooperi*), long-eared owl (*Asio flammeus*), Costa's hummingbird (*Calypte costae*), Lewis' woodpecker (*Melanerpes lewis*), Lawrence's goldfinch (*Carduelis lawrencei*), and special status bats. Impacts to the habitat of these species are considered significant under CEQA and require analysis to determine if the proposed project may cause direct or indirect impact. By failing to include this information, the DEIR provides an inadequate discussion of potential impacts. The information should be included in a revised DEIR and recirculated for review.
17. **Page 245, Central Coast Riparian Scrub.** Similar to the discussion on riparian forest, this section does not sufficiently describe the critical role of riparian habitat within the specific plan area or within Central California. There is no discussion regarding special status species known to occur or with the potential to occur within this vegetation type (California Natural Diversity Database, CDFG May 2007), such as least Bell's vireo (*Vireo bellii pusillus*), California thrasher (*Toxostoma redivivum*), yellow warbler

(*Dendroica petechia brewsteri*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), yellow-breasted chat (*Icteria virens*), and Bell's sage sparrow (*Amphispiza belli belli*). Impacts to the habitat of these species are considered significant under CEQA and thus the DEIR must evaluate whether the proposed project may cause direct or indirect impacts. By failing to include this information, the DEIR provides an inadequate discussion of potential impacts. The information should be included in a revised DEIR and recirculated for review.

18. **Page 274, Impacts to Biological Habitats.** Impacts to biological habitats are typically shown on a map with an overlay of the proposed development. Because maps have not been provided to show the location of habitat in relation to proposed development, it is not possible to verify the acreages of habitat impacts described in the analysis. For instance, based on vegetation data maintained by the County Parks Department, a total of 3.6 acres of riparian vegetation (sycamore, riparian, cottonwood, open water, willow) will be removed as a result of development (please see Attachment 4, Impacts to Vegetation where Development is Proposed within the Minimum 500 foot Riparian Habitat Corridor), however because Table 4.6-5 Summary of Impacts to Biological Impacts does not distinguish between the locations of habitat and there are no maps provided to estimate impacts based on location, it is not possible to independently verify the analysis conducted. Therefore, this section is inadequate. Additional maps and acreage calculations should be prepared and included in a revised DEIR for recirculation and review.
19. **Page 277, Impacts to Riparian Communities,** In addition to impacts to protected riparian habitats discussed elsewhere in this letter, the DEIR notes the impacts associated with construction of two, four-lane bridges over Coyote Creek. Because the DEIR lacks some of the basic and fairly standard mapping typically done for biological sections in EIRs, it is impossible to evaluate the analysis contained in this section. For instance, it is unclear where impacts to riparian vegetation occur along Fisher Creek versus Coyote Creek. Also, the DEIR does not adequately break out impacts to riparian vegetation along Coyote Creek as a result of construction of these bridges. In addition to these two new bridges, the project description includes modifying the existing Bailey Avenue Bridge from four lanes to seven lanes (CVSP, Page 78). It is our understanding that Bailey Avenue Bridge had been constructed to its maximum capacity and no physical widening will be required to accommodate this project (DEIR, Page 105). The DEIR should resolve the discrepancy on possible expansion of the Bailey Avenue to verify the acreages of impacts to riparian communities are estimated correctly and break out

impacts to riparian vegetation along Coyote Creek versus Fisher Creek. This section should be revised and included in a recirculated DEIR for review.

20. **Page 274, Thresholds of Significance for Sensitive Natural Community.** The DEIR states that the project's threshold of significance consider impacts significant if a "substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFG or USFWS." (Section 4.6.3.1 Biological Resources Impacts, Thresholds of Significance, 2nd bullet) Of particular concern is the proximity of development proposed near riparian habitat (cottonwood-sycamore riparian forest, central coast riparian scrub communities) found along Coyote Creek. However, the DEIR inadequately assesses impacts resulting from the direct loss of protected habitats. As stated previously, it is not clear if lands adjacent to Coyote Creek have been adequately surveyed for protected biological communities. In addition, the DEIR provides little analysis of indirect impacts due to the proximity of development proposed near these communities, in particular the impact the elimination of uplands, which act as de facto buffers, will have on the named protected biological communities. This information and analysis should be included in a revised DEIR and re-circulated for review. The DEIR speculates that by application of a 100' setback, they have avoided all impacts to the sensitive habitats with the exception of the two bridge crossings (page 277). This statement is not supported in the analysis of impacts to riparian communities. Further, there are numerous biological impacts that the DEIR asserts have been reduced to "less than significant" based on the unsupported conclusion that the 100 foot setback is adequate. Additional scientific reasoning behind the assertion that a 100-foot buffer is adequate should be included in a revised DEIR and recirculated for review. In the likely event that a 100-foot buffer is determined to be inadequate for protection of riparian resources, the decision to change the buffer width should be adequately supported with scientific reasoning.
21. **Page 278, Impacts to Riparian Communities.** The CVSP DEIR states that "...all of the urban development proposed as part of the CVSP project on the east side of Monterey Road would be constructed outside of the 100-foot riparian corridor setback of Coyote Creek..." However, without a description in the text or adequate map, it is unclear from what point the measurements of the setback would be initiated. The City's *Riparian Corridor Policy Study* (Habitat Restoration Group, Jones & Stokes Associates 1994) states that the set back should be from the outside edge of the riparian habitat (or top of bank, whichever is greater). A clear description and map of the extent of the required buffer should be included in a revised DEIR.

22. **Page 278, Impacts to Coast Live Oak Woodland, Valley Oak Woodland, and Serpentine Grassland.** Although called out on page 245, this section does not discuss Senate Bill 1334, which was passed to regulate the loss of oak woodlands in California. Senate Bill 1334 subjects oak woodland conversions to CEQA and requires mitigation through a number of mitigation options. Table 4.6-8 of the DEIR identifies 37 acres of coast live oak and valley oak woodland that will be impacted by development of the CVSP. The DEIR, however, does not contain any analysis of impacts or discuss possible mitigation. Therefore, the analysis contained in this section is inadequate. This section should be revised and included in a recirculated DEIR for review.
23. **Page 292, Mitigation Measure Bio-2.1.** Page 277 notes that of the approximate 334 acres of wetlands, streams, and ponds present within the CVSP area, almost half (163 acres) would be impacted by development or restoration activities. This is identified as a significant impact. Mitigation Measure Bio-2.1 requires on-site creation of wetlands at a 1:1 ratio and monitoring for a five-year period. CEQA guidelines (Section 15126.4 (a) 1.) require that an EIR shall describe feasible measures which could minimize significant adverse impacts. Measures typically follow a set hierarchy: avoid, minimize, or mitigate for impacts. Mitigation requiring the creation of wetlands is not preferred over avoidance or minimization of impact. Because mitigation projects are typically not monitored regularly or only for a short period and success rates are low, mitigation ratios are typically increased to offset potential losses. A mitigation ratio of 1:1 to offset the loss of 163 acres of wetlands does not include enough margin to ensure that planting efforts are successful. Based on ongoing monitoring of their own riparian and wetland mitigation projects, the County Parks Department has determined that a five year monitoring period is not long enough to verify the permanent success of restored wetland and riparian vegetation. The Army Corps bases mitigation requirements on the relative quality of the wetlands impacted versus the quality of wetlands constructed as mitigation (U.S. Army Corps of Engineers 2002). For example, the mitigation ratio is greater than 1:1 where the impacted areas provide high quality hydrological and biological functions (such as much of the habitat found along Coyote Creek) and the replacement wetlands are of lower function (constructed wetlands which may require many years to establish). In addition, the DEIR does not describe feasible measures that could minimize significant adverse impacts, following the set hierarchy to first avoid or minimize. Given the size and location of the proposed project, mitigation measures should first revisit the possibility of avoidance.

Bullet three of mitigation measure in BIO-2.1 identifies Coyote Creek within the Greenbelt as a possible location for off-site mitigation wetlands if Fisher Creek cannot provide enough mitigation acreage. The acreage assumptions in the DEIR are based on aerial reconnaissance for potential wetlands and a wetland determination for portions of this project. Based on the proposed mitigation ratio of 1:1, a mitigation acreage number should be attainable for all wetlands potentially impacted by the project. Furthermore, no existing land uses in the area proposed for development preclude the reservation of adequate amounts of acreages to mitigate for impacted wetlands onsite. The DEIR does not demonstrate the feasibility of off-site mitigation from either an availability standpoint or from the perspective of whether the off-site mitigation could be successful. Therefore, the DEIR should require higher on-site mitigation ratios based on scientific evaluation of what is necessary to ensure success. This section should be revised accordingly and included in a recirculated DEIR for review.

24. **Page 292, Mitigation Measure BIO-2.2.** Bullet three of mitigation measure BIO-2.2 identifies Coyote Creek within the Greenbelt as a possible location for offsite mitigation. However, this portion of Coyote Creek is owned and managed by the Santa Clara County Parks Department. The Parks Department is in the process of implementing the restoration guidelines contained in the Coyote Creek Integrated Plan and does not approve mitigation or remediation actions from private entities on their public lands. This measure should be revised to remove Coyote Creek County parklands within the Greenbelt as a viable offsite mitigation alternative and be redistributed for public review.
25. **Page 293, Mitigation Measure BIO-2.4.** Please modify this mitigation measure to include the requirement for subsequent environmental review in accordance with CEQA for the two bridge projects when their exact locations are identified, as was discussed in on page 277 in "Impacts to Riparian Communities." The DEIR must also include a requirement that the project plans are subject to the review and approval by the County of Santa Clara Parks and Recreation Department and the Santa Clara Valley Water District.
26. **Page 293, Mitigation Measure BIO-5.1.** Based on the discussion regarding BIO Impact 5 for impacts to riparian communities (please see discussion section of B.1 above) this measure should include mitigation based on impacts identified in a site-specific analysis, management goals, and setback requirements such as were identified in the County's Coyote Creek Integrated Plan in addition to those within the CVSP

Resource Management Plan (RMP) and Riparian Mitigation Monitoring Plan (RMMP). These revisions should be included in a revised DEIR.

27. **Page 294, Mitigation Measure BIO-6.1.** As noted in the comment regarding the analysis of oak woodland, comment number 22, above, Senate Bill 1334 requires oak woodland conversions to be subject to CEQA and to be mitigated through a number of mitigation options. These include:

1. A monetary contribution to the Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements;
2. Onsite mitigation which requires the dedication in perpetuity of a conservation easement on mitigation lands that are contiguous to the project and that will provide for a biologically functional community;
3. Offsite mitigation which requires the procurement of oak woodland habitat of equivalent biological value. Those mitigation lands shall be purchased in fee or by a conservation easement and conserved in perpetuity; and
4. Planting of replacement trees at a five to one ratio, on up to 10 acres, for each oak woodlands conversion project. Monitoring and replacement of dead and diseased trees would be required. The planting mitigation alternative may be used in conjunction with the other mitigation alternatives.

This section requires revision to meet the requirements set forth in SB 1334.

28. **Page 295, Mitigation Measure BIO-6.3.** Because the impacts to sensitive biological communities as a result of construction of water tanks, access roads, and pipelines have not been adequately analyzed, this document is inadequate. The City of San Jose cannot defer the identification and mitigation of impacts to future environmental review. In *Stanislaus Natural Heritage Project v. County of Stanislaus*, the court explained, "A decision to tier environmental review does not excuse a governmental entity from complying with CEQA's mandate to prepare, or cause to be prepared, an environmental impact report on any project that may have a significant effect on the environment, with *that report to include a detailed statement setting forth all significant effects on the environment of the proposed project* (emphasis added)." The court added that tiering is

not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause.

CEQA Guidelines section 15126.4 (a)(1)(B) states that the "...Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." To be consistent with the CEQA guidelines, revisions to the mitigation measures regarding the unknown portions of the project should be made to include adequate performance standards and the document should be recirculated for review.

29. **Page 307, Impact BIO-2.** Appendix G of the CEQA guidelines requires analysis to determine if a project would have a "substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means." Because 137 of the 148 acres of protected wetlands within the project boundary will be impacted, and mitigation is proposed at only a 1:1 ratio within the project boundary, this impact remains significant. Thorough scientific analysis of the impacts to wetlands should be conducted and included in an explanation of the mitigation ratio. In addition, discussions with the regulatory agencies requiring permits, including the CDFG, ACOE, and SFBWQCB, should be initiated to discuss the appropriate impact mitigation ratio. This section of the DEIR should be revised and recirculated for public review.
30. **Page 286, Indirect Impacts due to Nitrogen Deposition.** Although the DEIR refers to the project-specific nitrogen modeling prepared for the Metcalf Energy Center (MEC) project, no specific modeling work was conducted for the CVSP project. The author of this section simply used a comparative ratio of the number of pounds of nitrogen emitted per day by the proposed Coyote Valley Research Park (CVRP) compared to the area of serpentine grassland impacted calculated based on the model used for the MEC project. This method of analysis is inadequate, given that: 1) modeling work prepared for MEC and CVRP was prepared seven years ago and advances in model building and analysis have increased substantially (*Impacts of Nitrogen Deposition on California Ecosystems and Biodiversity*, Weiss 2006), and 2) the analysis does not take into account the most current cumulative project scenario (Page 459). In order to accurately assess potential impacts to serpentine grasslands as a result nitrogen deposition from a project of this scale, an analysis specific to this project should be conducted using the best scientific

information available and should consider the cumulative project scenario as discussed in Chapter 6. Any changes to the internal and/or external trip generation rates discussed in Section 2.1.7, Transportation System, will require an update of the calculated amount of nitrogen deposition and the proposed mitigation strategy. A project-specific analysis should be included in a revised DEIR and recirculated for review.

31. **Page 288, Impacts to Serpentine Grassland Habitat.** Page 288 includes the following sentence regarding the calculation that the CVSP project will impact 149 acres of serpentine grassland habitat: "This estimate may be adjusted based on the best available information if future advances in the science of modeling the deposition patterns of NOx become available." In addition, the associated mitigation measure BIO-27.1 on page 306 includes the statement that: "This mitigation ratio may be adjusted in the future, based on best available science as advances are made in modeling the relationship between nitrogen emissions and nitrogen deposition." These caveats included in the analysis and mitigation sections of the DEIR imply that the actual amount of area preserved may be less than the 447 acres required as mitigation on Page 306. Because there are no alternative actions or specific recommendations identified in the mitigation measure that would accommodate a change in the amount of grassland requiring protection, these statements should be removed or clarified further in a revised DEIR and recirculated for review.
32. **Page 306, Mitigation Measure BIO-27.1.** This mitigation measure identifies that the project would include preservation of 443 acres of serpentine grassland. While this measure appropriately follows a 3:1 impact mitigation ratio, there is no discussion whether it is feasible or even possible to preserve such a large amount of serpentine grassland. The CVSP project boundary contains only 34 acres of serpentine grassland, 21 of which are proposed for development (Page 275). A serpentine grassland preserve would therefore have to be located off-site. As stated on page 285, "impacts that may occur to this [serpentine grassland] community as a result of Plan implementation would be significant." Because there is no discussion regarding the location of the preserve, management actions to encourage the long-term success of the protected grassland, or the mechanism in which a preserve would be protected in perpetuity, BIO-27.1 is not sufficiently detailed to reach the conclusion that the impact to serpentine grasslands is mitigated to a less than significant level. Impact BIO-27 on page 311 should be revised to identify feasible mitigation measures at specific locations, or if no feasible measures are available, then the DEIR should determine the impact significant and unavoidable.

B2. Special Status Species

Impacts to special status species and their habitats are considered significant under CEQA and are protected by the federal and state endangered species acts. The DEIR acknowledges that not all properties were accessed and some of the properties will require additional analysis prior to development. As noted in the general comments regarding the Biological Resources section, above, the lack of access has prevented adequate surveys for special status species. In addition, little information was presented regarding aquatic resources and wildlife occurring in Coyote Creek and how this project may impact species through direct disturbance or indirect changes in water quality. Impacts identified in the DEIR are therefore speculative and left vague in order to accommodate changes in the project description or property access. Conclusions drawn regarding the significance of impacts on pages 308-311 cannot be reached given the level of information available for analysis. Surveys should be completed for special status species and the results included in a revised DEIR for review.

One special status plant species and four special status wildlife species with the potential to occur within the CVSP area or which may otherwise be affected by the proposed project were not included in the DEIR or biological resources report. These include Tiburon Indian paintbrush, Townsend's big-eared bat, long-eared myotis, long-legged myotis, and Central Valley fall-run Chinook salmon.

Tiburon Indian paintbrush (Castilleja affinis ssp. neglecta). Tiburon Indian paintbrush is federally listed as endangered, state listed as threatened, and a CNPS List 1B species. This species is found in valley and foothill grassland at rocky serpentine sites. The blooming period occurs from April through June. Two occurrences are listed in the CNDDDB (CDFG 2007) for Santa Clara County, one of which is located on a ridge between Andersen Lake and U.S. 101, near the southern end of the Coyote Creek Parkway. This occurrence was last documented in 2006 and consisted of one thousand plants. Other special status plants in this area include Mt. Hamilton thistle and Santa Clara Valley dudleya. Page 245 of the DEIR identifies 34 acres of serpentine grassland within the CVSP area. These species were not included in the list of species. Also it was neither surveyed nor identified with the potential for the species to occur, despite being shown on Figure 4.6-2, Approximate Locations of Special Status Plant Species within and Adjacent to the CVSP Area. Due to the close proximity of a documented occurrence and the presence of potential habitat, the biological analysis contained in the DEIR did not adequately address special status plant species. Surveys for Tiburon Indian paintbrush and discussion regarding the potential presence of this species should be included in a revised DEIR and recirculated for review.

Protected bat species. The DEIR and Biological Resources Report included two special status bat species, pallid bat and Yuma myotis, however three special status bat species with the potential to occur in the CVSP area were not included: Townsend's Big-eared bat (*Corynorhinus townsendii*), long-eared myotis (*Myotis evotis*), and long-legged myotis (*Myotis volans*). Due to the presence of appropriate foraging and roosting habitat within the project area, the biological analysis contained in the DEIR did not adequately address protected bat species. Surveys for bats and discussion regarding the potential presence of this species should be included in a revised DEIR and recirculated for review.

Central Valley fall-run Chinook salmon (Oncorhynchus tshawytscha). Fall-run Chinook salmon is a federally listed species of concern and is a state listed species of special concern. Chinook salmon are known to occur in the lower portions of Coyote Creek and have been observed in Coyote Creek since the mid-1980's. It is reasonable to assume that Chinook salmon can now migrate all the way up to Anderson Dam through the entire length of Coyote Creek Parkway because installation of a fish passage facility at Metcalf Dam was completed (Jones & Stokes Associates 2007). Habitat for Chinook is considered degraded due to temperature fluctuations, changes in flow and the possibility of entrainment. Due to the documented presence of this species, the biological analysis contained in the DEIR did not adequately address special status fish species. Discussion and protective measures for this species should be included in a revised DEIR and recirculated for review.

Specific comments on the special status species discussed in the DEIR are as follows:

33. **Page 246, Special Status Plants and Animals.** In addition to the statement that the accuracy of these surveys will diminish over time, a statement that additional special status surveys will be required as access to parcels not previously inventoried is available should have been included in the DEIR.
34. **Page 246, Special Status Plant Species.** This section identifies the one species found within the specific plan boundary and four that have the potential to occur. The biological resources report prepared by WRA Environmental Consultants and attached as Appendix G in the DEIR also lists nine additional species found adjacent to the specific plan boundary. Because surveys could not be conducted on all parcels within the specific plan boundary and development may indirectly affect species adjacent to the project, which is considered a potentially significant impact under CEQA, the DEIR should have included a discussion of these additional nine species and included mitigation for

impacts to these special status plant species. Discussion should be included in a revised DEIR and recirculated for review.

35. **Page 249, Table 4.6-3: Summary of Potential for Special Status Species to Occur Within or Adjacent to the CVSP Area.** Table 4.6-3 does not list all of the species known to occur or with a moderate potential to occur listed in Appendix G, Biological Resources Report. Although the text on page 246 indicates that an additional 18 species were investigated and found to have a moderate potential to occur, the table lists only two of these special status animal species with moderate potential to occur (Bay checkerspot butterfly, coast horned lizard). This table should list all species identified with the moderate potential to occur, including: fringed myotis, American badger, double-crested cormorant, American bittern, snowy egret, prairie falcon, short-eared owl, Costa's hummingbird, Allen's hummingbird, Lewis' woodpecker, least Bell's vireo, Yellow breasted chat, Bell's sage sparrow, Lawrence's goldfinch, foothill yellow-legged frog, Horn's microblind harvestman, Jung's microblind harvestman, Edgewood blind harvestman, and Opler's long-horned moth. In addition, special status raptor species which utilize the CVSP area for foraging should be listed as well, including ferruginous hawk, sharp-shinned hawk, and osprey. The DEIR should also include discussion regarding the species discussed above that were not included in the Biological Resources Report: Tiburon Indian paintbrush, Townsend's big-eared bat, long-eared myotis, long-legged myotis, and Central Valley fall-run Chinook salmon. Table 4.6-3 should have included all of these species with appropriate discussion, analysis, and mitigation measure. This information should be included in a revised DEIR and recirculated for review.
36. **Page 249, Bay Checkerspot Butterfly,** Table 4.6-3 identifies a moderate potential for the Bay Checkerspot butterfly to occur within the specific plan area with little suitable breeding habitat present. However, page 245 identifies approximately 34 acres of serpentine grassland within the specific plan area that support dwarf plantain, the butterfly's primary host plant and Indian paintbrush, the butterfly's secondary host plant. Although the serpentine grassland is located outside of the areas identified as critical habitat for the species, impacts to a federally threatened species are considered significant. Protocol level surveys for this species were not conducted, even though 21 acres of serpentine grassland will be impacted. Surveys should be conducted during the flight season (four to six weeks between late February to early May, depending on host plant blooming periods) to determine if this species is present (*Serpentine Soil Species of the San Francisco Bay Area*, USFWS 1998). If present, development of the proposed

project could result in significant impacts to a listed species, which are regulated under CEQA and the federal and state endangered species acts. Surveys should be conducted and the results reported and analyzed in a revised DEIR and recirculated for review.

37. Page 273, Existing Biological Resources within the Bailey-over-the-Hill Alignment.

Figure 2.0-14 was not included in Section 2.0. The DEIR should include a map showing the proposed extent of right-of-way necessary to construct the Bailey Road connector. Because the proposed Bailey-over-the-Hill alignment has not been surveyed, however, impacts to special status species have not been adequately analyzed and this section is inadequate. Surveys for special status species should be conducted and subsequent revisions to the DEIR should be made to quantify potential impacts and the document should be recirculated for review.

38. Page 273, Special Status Plant and Animal Species. Although the author is correct in stating that the only special status plant species known to occur within the Bailey-over-the-Hill alignment is Santa Clara Valley Dudleya, Page 39 of the Biological Resources Report in Appendix G of the DEIR states that protocol plant surveys have not been conducted along the proposed alignment and identifies ten species with the potential to occur. These surveys must be completed before the City can conclude absence at this location.

The discussion regarding special status animals is similarly incorrect. Although California tiger salamander is the only species documented to occur within the proposed alignment, surveys for other wildlife species have not been conducted. Page 40 of the Biological Resources Report in Appendix G identifies 28 wildlife species with the potential to occur. These surveys must be completed before the City can conclude absence at this location.

Impacts to special status plant and animal species are considered significant under CEQA and may be regulated by the federal and state endangered species act. Surveys for special status plants and animals should be conducted and subsequent revisions to the DEIR should be made to quantify potential impacts and the document should be recirculated for review.

39. Page 296, Mitigation Measure BIO-8.2. Mitigation Measure BIO-8.2 is written to offset impacts discussed in Impacts BIO-7 and BIO-8, however only two plant species are listed. This mitigation measure should be revised to include Mt. Hamilton thistle,

bristly sedge, and wooly-headed lessingia in addition to bent flowered fiddleneck and big scale balsamroot. Potential impacts to special status species not addressed in the DEIR render the analysis inadequate. Revisions to this measure should be include in a revised DEIR and recirculated for review.

40. **Page 297, Mitigation Measure BIO-10.2.** This mitigation measure is written to offset impacts to upland habitat for California red-legged, foothill, and yellow-legged frogs by requiring off-site mitigation for impacts within 200 feet of occupied aquatic habitat. However, the project proposed only a 100-foot buffer from the edge of riparian habitat. This effectively limits upland habitat for these species to within 100 feet of aquatic habitat. This is considered a significant impact, as species such as the California red-legged frog occur within a movement corridor of approximately 328 feet of Coyote Creek and wetted ponds within the Parkway (Bulger et. al. 2003, as cited in the Coyote Creek Integrated Plan, 2M Associates, Jones & Stokes Associates, Balance Hydrologics, Harison & Associates 2007, Page 39). Based on the CVSP land use plan, it appears that a significant amount of development will occur within 328 feet of known occupied habitats (i.e. Coyote Creek, Ogier Ponds). No analysis has been included in the DEIR to determine the location or extent of potential impacts to known upland habitats. Without further information regarding the amount of habitat disturbed or performance standards identify how occupied habitat would be protected once updated surveys have been completed, the concluding statement in Impact BIO-10 (Page 308) should be revised to reflect a Significant and Unavoidable Impact. Revisions to this impact statement and proposed mitigation measures should be included in a revised DEIR and recirculated for review.
41. **Page 298, Mitigation Measures BIO-11.1 and 11.2.** These mitigation measures state that CTS aquatic and upland habitat will be avoided "where possible." Off-site habitat conservation, however, is recommended for disturbance within 2,200 feet of occupied aquatic habitat. Because only a 100-foot buffer has been recommended to offset development from riparian areas, the potential loss of up to 2,100 feet of upland habitat is considered a significant impact to this species. Based on the land use plan, it appears that a significant amount of development will occur within 2,200 feet of known occupied habitats (i.e. Coyote Creek Golf Course). No analysis has been included in the DEIR to determine the location or extent of potential impacts to known upland habitats. Without further information regarding the amount of habitat disturbed or performance standards identify how occupied habitat would be protected once updated surveys have been completed, the concluding statement in Impact BIO-11 (Page 308) should be revised to

reflect a Significant and Unavoidable Impact. Revisions to this impact statement and proposed mitigation measures should be included in a revised DEIR and recirculated for review.

B3. Habitat Corridors

Habitat connectivity is a substantial issue in the Coyote Valley region that has been evaluated for many years. As discussed in *Missing Linkages: Restoring Connectivity to the California Landscape, Conference Proceedings* (Penrod, et. al. 2001), *A Conservation Design for the Central Coast of California and the Evaluation of the Mountain Lion as an Umbrella Species* (Thorne, et. al. 2006), and *A Guide to Wildlands Conservation in the Central Coast Region of California* (Thorne, et. al. 2002), a connection between the Diablo and Santa Cruz Mountain Ranges is critical to maintain genetic diversity throughout the region.

The DEIR (Page 271) states that no truly barrier-free wildlife corridors for terrestrial species currently exist in the CVSP Area. However, potential east-west crossings are identified at the Coyote Creek crossing at Highway 101 and the Coyote Creek Golf Course underpasses at Highway 101. In response to concerns raised by CDFG regarding the analysis of corridors in the CVSP DEIR, Dr. James Thorne prepared a letter response that invalidated the assumption that U.S. Highway 101 represents a complete barrier to movement between the Santa Cruz Mountains and the Diablo Range on November 15, 2006, which was submitted to the City with the USFWS/CDFG joint comment letter on January 3, 2007. Dr. Thorne has studied habitat corridors and pinch points throughout the Central Coast and has identified the Coyote Valley area as one of two connections between the Santa Cruz Mountain range and any other mountain range. The existence of these two corridors is extremely important to the genetic viability of populations within the Santa Cruz Mountains, which, if isolated, would effectively trap populations of species including mountain lion or tule elk.

Dr. Thorne makes the recommendation that the locations of the three overpasses identified in the CVSP (Coyote Valley Parkway, Bailey Avenue, and Coyote Creek Golf Drive) should be reviewed for suitability of establishing one or possibly two large mammal (e.g. mountain lion) corridors. Corridors would resemble urban green belts or open space, exclude domestic pets, and range in width between 165-650 feet.

Specific comments on habitat corridors discussed in the DEIR are as follows:

42. **Page 272, Terrestrial Wildlife Movement Corridors.** A brief mention of the work conducted by Tanya Diamond on the evidence of wildlife movement, particularly by North American badger, is identified on this page, however, no mention of her least cost path analysis conducted for the Coyote Valley region was included in this discussion. Through Ms. Diamond and the Wildlife Corridor Team's extensive field research to document crossing locations and species occurrences, a critical wildlife corridor through the CVSP area near Tulare Hill was identified. A 1.8 km wide corridor is recommended, as it must be wide enough to allow badgers to utilize and reside safely within the corridor (please see Attachment 5, Santa Clara County Badger Least-Cost Path Analysis with Road Kill Locations). A corridor of this width would benefit a variety of the other species Ms. Diamond and the Wildlife Corridor Team observed, including coyote, burrowing owl, fox, deer, bobcat, raccoon, ground squirrel, rabbit, owl, pig, and woodrat. The DEIR does not disclose the width or exact location of the wildlife corridor through Tulare Hill discussed in the analysis and it is therefore unclear whether the proposed development encroaches on the corridor. Based on the statement on Page 286 of the DEIR, which acknowledges that the "Tulare Hill corridor would also remain largely undeveloped...", it is interpreted that development will occur within the corridor. It is therefore clear that although mitigation measure BIO-26.1 on Page 305 recommends incorporating design elements to facilitate wildlife movement, development would reduce wildlife movement. This is considered a significant impact under CEQA, which identifies impacts to wildlife corridors as significant if a project would "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors..." Because the project will interfere with established and documented wildlife corridors and mitigation measure BIO-26.1 does not include protection of the entire corridor, the conclusion reached on page 310 of the DEIR stating that Impact BIO-26 is mitigated to a less than significant level is not appropriate. As presented, the impact is still significant. The project should be redesigned to include an appropriate wildlife corridor.
43. **Page 285, Impact BIO-26.** The DEIR neglects to describe the upland habitat requirements of wildlife species that use the riparian corridor of Coyote Creek in the description related to existing wildlife corridor (pages 253-272) or as related to the impacts to wildlife movement (page 284). The DEIR's statement that, "[m]ovement along the Coyote Creek corridor would not be affected because Coyote Creek would be avoided with the exception of the construction of the two bridges," is contrary to the removal of riparian vegetation and narrowing of the Coyote Creek corridor with a 100-foot buffer. North-south movement of wildlife along Coyote Creek would be severely

impacted from the loss of riparian vegetation that serves as cover for various species. In addition, protection of a north-south movement corridor does not improve the function of wildlife connectivity without an available east-west corridor. Upland habitat areas for special status species, including California red-legged frog, California tiger salamander, western pond turtle, fisheries, and nesting birds and raptors would be greatly reduced and fragmented from the encroachment of urban development without adequate buffers and setbacks. As noted in previous comments under "Riparian Corridor and Buffer Width," the 100-foot corridor does not provide a sufficient width to avoid and/or mitigate for impacts to the movement of terrestrial wildlife species.

As discussed in Protected Biological Communities, above, the amount of riparian vegetation that will be removed outside of the 100-foot corridor for Coyote Creek for the development and for construction of the two proposed bridges over Coyote Creek has not been quantified. Thus the long term development and construction impacts on species within the Coyote Creek wildlife corridor requiring upland habitat areas for connectivity to the north-south and east-west wildlife corridors have not been addressed. The mitigation measure BIO-26.1 (Page 305) does not provide a description of what improvements will be made to promote wildlife connectivity, where these improvements may be constructed, and how long term maintenance and monitoring will occur. In addition, the proposed improvements and modifications to infrastructure design elements do not consider current technology available for the promotion and preservation of wildlife movement, particularly for the design of bridges and roadway crossings over Coyote Creek. Examples of more innovative wildlife connectivity improvements include wildlife underpasses such as the Harbor Boulevard underpass to protect the Puente-Chino Hills wildlife corridor, and long-span bridges over freeways that promote large animal crossings and wildlife connectivity near Banff, Canada. In short, the lack of performance standards limits the reader's ability to determine if mitigation is sufficient to reach the conclusion that the impact to wildlife movement is less than significant, as stated in Impact BIO-26 (Page 310). The concluding impact statement in Impact BIO-26 should therefore be revised to reflect a Significant and Unavoidable Impact. Revisions to this impact statement and proposed mitigation measures should be included in a revised DEIR and recirculated for review.

44. **Page 305, Mitigation Measure BIO-26.1.** Mitigation Measure BIO-26.1 recommends protection of wildlife movement through the Tulare Hill area and the Greenbelt with no east-west movement corridors provided through the CVSP development area. The distance between the Tulare Hill area and the Greenbelt is approximately 3.5 miles,

which is attainable for larger species, such as mountain lion or deer. However less mobile species would have difficulty moving between corridors. Additionally, much of the Greenbelt is currently developed with intensive agricultural uses. This mitigation measure does not include provisions for protection of permanent wildlife corridors through the Tulare Hill or Greenbelt areas. The lack of permanent corridors can lead to the eventual isolation of the Santa Cruz Mountains from the Diablo Range. This is considered a significant impact under CEQA.

Furthermore, the CVSP contains a recommendation for only 100 feet on each side of Fisher Creek or along Coyote Creek, where recreational and trail uses may be included and/or no additional buffering between adjacent high density land uses is provided. There is no discussion of how a 100-foot setback of either Coyote Creek or Fisher Creek will adequately accommodate wildlife species known to utilize corridors in the CVSP area in the DEIR. The mitigation measure should be revised to include one or more permanently protected wildlife corridors and should consider the recommendations for locations and widths provided by Dr. Thorne. Revisions to this measure should be included in a revised DEIR and recirculated for review.

C. Land Use

45. **Page 47, Consistency with Adopted Plans.** The DEIR failed to address compliance with the policies, design standards and guidelines contained in the list of County documents provided on page 5 of the NOP comment letter. The DEIR should be revised to include an evaluation of consistency with these plans. They are as follows:

- *The City of San Jose and County of Santa Clara Jointly-approved Coyote River Policy Statement* (1969)
- *Santa Clara County Countywide Trails Master Plan Update* (November 1995)
- *Santa Clara County Uniform Inter-jurisdictional Trail Design, Use and Management Guidelines* (1997)
- *Regional Parks, Trails and Scenic Highways Map of the County General Plan's Parks and Recreation Element* (October 1981)
- *County of Santa Clara Riparian Corridor Study* (June 2003)

- *Open Space Preservation: A Program for Santa Clara County*: Report of the Preservation 2020 Task Force (April 1987)
 - *South County Joint Planning Program*: Advisory Committee Recommendations (September 1986)
 - *Santa Clara County Open Space Authority Five Year Plan* (June 1996)
46. **Page 86, County of Santa Clara General Plan, Consistency Analysis.** The DEIR failed to evaluate the proposed project's consistency with the following policies in the Parks and Recreation Element of the County of Santa Clara General Plan and Santa Clara County Countywide Trails Master Plan Update (see page 7 of the NOP comment letter): C-PR 20; C-PR 20.1; C-PR 23; C-PR 24; C-PR 28.3; C-PR 29.1; C-PR 30.1; C-PR 31; C-PR 32; C-PR 33.3. The DEIR should be revised to include an evaluation of the consistency of the proposed project with these relevant County policies.
47. **Page 86, County of Santa Clara General Plan, Consistency Analysis.** The DEIR failed to evaluate the proposed project's consistency with the following policies in the Resource Conservation Element of the County of Santa Clara General Plan (see page 7 and 8 of the NOP comment letter): R-RC 31; R-RC 32; R-RC 33; R-RC 35; R-RC 37; R-RC 38; R-RC 39; R-RC 41. The DEIR should be revised to include an evaluation of the consistency of the proposed project with these relevant County policies.
48. **Page 90, Consistency with Santa Clara County Parks and Recreation Department Coyote Creek Parkway County Park Draft Integrated Natural Resources Management and Master Plan.** The DEIR concludes that because the project includes a minimum 100-foot buffer from the western edge of the Coyote Creek, it is consistent with Guideline #1 (Natural Resource Management). We disagree with this determination. The Coyote Creek Integrated Plan has identified a minimum riparian habitat corridor of 500-feet from the top of bank on each side of Coyote Creek, and has been adopted to provide function for terrestrial wildlife and some basic functions for avian species. The Coyote Valley Specific Plan is inconsistent with this County policy. The CVSP should be redesigned to eliminate development within the minimum 500-foot riparian habitat corridor. A revised plan and corridor recommendation should be included in a revised DEIR for recirculation and review.

49. **Page 114, Mitigation for the Loss of Important Farmland.** The DEIR failed to evaluate the potential for the agricultural land between Monterey Road and the Coyote Creek Park as potential mitigation lands to mitigate for the loss of prime agricultural land within the Coyote Valley Urban Reserve (see page 9 of the NOP comment letter). Currently, agricultural mitigation lands are identified for the Greenbelt Area south of Palm Avenue and should include the area east of Monterey Road for permanent open space and agricultural land preservation. This would also limit the project's impacts on encroachment within the Coyote Creek Riparian Habitat Corridor from urban development.

D. Growth Inducing Impacts

50. **Page 524-525, Growth Inducing Impacts of the CVSP:** The DEIR concludes that the project may induce planned growth in the region; however the DEIR also states that the impacts associated with the planned growth are accounted for in the respective agencies general plan's environmental documents. CEQA Guidelines section 15126.2(d) requires a discussion of the ways in which the project could be growth inducing *and* identification of the likely environmental impacts associated with such growth. The DEIR inadequately refers the reader to some other unspecified general plan environmental documents for the discussion of the project's growth-inducing impacts. The DEIR should be revised to summarize the environmental impacts associated with the identified growth outside the project boundaries, especially as that growth has an affect on County park facilities and anticipated increase demand in recreational services.

D. Alternatives

The project, as proposed, is so environmentally damaging that the City will need to consider approving an alternative. The alternatives in the DEIR, however, are very superficially evaluated. While there is some qualitative discussion of the alternatives, there is no quantitative discussion to allow meaningful comparison of the alternatives with the project itself or with each other. CEQA requires that the alternatives require sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Further, as an informational document, the DEIR must contain facts and analysis, not just bare conclusions or opinion.

This proposed CVSP project will have many significant impacts because the environmental resources in Coyote Valley do not support the type of high-density urban development proposed.

To gain an understanding of the density and size of this project, we looked at the proposed population of 70,000 to 80,000 people relative to the following cities in the region (Department of Finance January 2007):

Coyote Valley SP	80,000
San Jose	973,672
Morgan Hill	38,418
Gilroy	49,649
Mountain View-	73,262
Cupertino	55,162
Palo Alto	62,615
Hollister	37,120
San Juan Bautista	1,825

The City of San Jose's population is 973,672. The proposed project would increase that population by approximately 8.2 percent. The proposed project would be more appropriate within an area that supports the density from an environmental resource perspective. For example, the City has identified a feasible alternative location in north San Jose in Section 5.6, of the DEIR. The City concludes (DEIR, page 458) that this alternative is environmentally superior to the proposed project for the following reasons: loss of significantly fewer acres of prime farmland, significantly fewer impacts to biological resources (Coyote Creek, Fisher Creek, wetlands, oak woodlands, serpentine grasslands, loss of wildlife movement corridors, special-status animal species), significantly fewer visual impacts, and significantly lower use of energy. The proposed project is not sensitive to the existing natural environment or "Environmental Footprint" (DEIR, page 14). Specific comments on the alternatives analysis contained in the DEIR are as follows:

51. **Page 430, Project Objectives.** The Project Objectives section should be re-written to be more generalized or distilled from the geographic setting of Coyote Valley. By prescribing very specific outcomes such as a predetermined amount of housing and jobs, the DEIR unnaturally constrains the consideration of alternatives that would more wisely consider the environmental uniqueness of Coyote Valley.
52. **Page 437, Reduced Scale Alternative I.** A figure depicting the boundaries and general layout of this alternative would have been helpful in understanding this alternative's description. A figure should have been provided in the EIR to meet CEQA Guidelines direction to provide a good faith effort at full disclosure. However, even without a good

alternative description, it appears enough information was provided to conclude that this alternative would eliminate the need for two new bridges over Coyote Creek (Coyote Valley Parkway and Coyote Golf Course Drive) and eliminates the proposed development east of Monterey Road adjacent to Coyote Creek. Therefore, this alternative would result in significantly fewer impacts to wildlife and wildlife habitat associated with the creek corridor. The DEIR, however, merely mentions burrowing owl habitat and trees and contains no discussion of the substantial quantity of other biological resources that would benefit from this alternative. This alternative would also result in fewer impacts to farmland, fewer traffic and air quality impacts, fewer noise impacts, fewer visual impacts, and less energy use, but again, the DEIR contains no meaningful guidance on how much the impacts would be reduced.

53. **Page 443, Reduced Scale Alternative II.** A figure depicting general layout of this alternative would have been helpful in understanding this alternative's description. A figure should have been provided in the EIR to meet CEQA Guidelines direction to provide a good faith effort at full disclosure. However, even without a good alternative description, enough information was provided to conclude that this alternative would eliminate the need for two new bridges over Coyote Creek (Coyote Valley Parkway and Coyote Golf Course Drive) and eliminates the proposed development east of Monterey Road adjacent to Coyote Creek. Therefore, this alternative would result in significantly fewer impacts to wildlife and wildlife habitat associated with the creek corridor. This alternative would also result in fewer impacts to farmland, fewer traffic and air quality impacts, fewer noise impacts, fewer visual impacts, and less energy use. As with the Reduced Alternative I, however, little to no quantitative data is provided to allow for a true comparison between this alternative and the project proposed.
54. **Page 449, Design Alternative – "Getting it Right" Plan.** The DEIR discussion of this alternative is inadequate. CEQA Guidelines section 15151, Standards for Adequacy of an EIR, states, "An EIR should be prepared with a sufficient degree of analysis to provide decisions makers with information which enables them to make a decision which intelligently takes account of environmental consequences...The courts have looked not for perfection but for adequacy, completeness, and a *good faith effort at full disclosure* (emphasis added)." The discussion for this alternative does not provide any supporting evidence for many of its conclusory statements such as "[B]ecause a similar amount of development is included in the 'Getting it Right' alternative, impacts associated with wildlife movement would be similar." There is no consideration of where the development might occur and how that might reduce impacts to wildlife impacts.

Likewise, the DEIR concludes that this plan, by concentrating the development on a smaller number of sites would increase overall congestion, traffic and noise. There is no basis for this conclusion or this section's ultimate conclusion that while this plan would avoid impacts at some locations, it would increase impacts at others. The DEIR must set forth basic discussions to show how it arrived at these conclusions. In addition, the City has opted to refer the reader to the Greenbelt Alliance's website for a description of this alternative. The DEIR should have included, at a minimum, a figure depicting the land use plan associated with this alternative, as well as some discussion of the details of this alternative that "avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines section 15126.6(a)). Alternatively, the alternative plan provided on the Greenbelt Alliance's website should have been provided in an appendix to the DEIR, to provide a good faith effort at full disclosure for the decision makers and the public. The DEIR description of this alternative, as well as the associated environmental evaluation, is incomplete and inadequate.

55. **Page 449, Design Alternative – "Getting it Right" Plan.** The discussion about the biological resources impacts associated with this alternative and the comparison of the proposed project's biological resources impacts omits any relevant discussion about this alternative's beneficial impacts on Coyote Creek. In addition to the elimination of one of the proposed project's new bridge structures over the creek, this alternative includes a minimum 500-foot Riparian Habitat Corridor to the west side of Coyote Creek (consistent with the *Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan* adopted by Santa Clara County on March 2007) by eliminating proposed development east of Monterey Road. When compared to the proposed project, this alternative would have less impact on the wildlife habitat associated with Coyote Creek.
56. **On page 453,** the DEIR concludes that this alternative is not environmentally superior to the proposed project. We disagree. This alternative is environmental superior to the proposed project for the following reasons: it results in 22 percent fewer acres (525 acres) of prime farmland conversion; fewer traffic and air quality impacts because it is more compact and provides greater opportunities for the use of public transit (additional justification provided on the Greenbelt Alliance's website at www.greenbelt.org/resources/reports/index.html); significantly fewer impacts to biological resources as discussed above and in the DEIR, which include fewer impacts on Coyote Creek including one less new bridge structure within and over the creek, burrowing owl habitat, oak woodland and grasslands, and wildlife movement due to

more land being reserved in open space; fewer impacts to visual resources because it preserves significantly more acres in agriculture and open space as viewed from US Highway 101, Monterey Road, and other public roadways in the project vicinity; and a reduction in energy use due to fewer vehicle trips for the reasons discussed above. The DEIR's conclusion that this alternative has the equivalent impacts as the proposed project is not supported by the evidence provided in the DEIR.

57. **Page 457, Alternatives, Alternative Location.** The City has identified a feasible alternative location in north San Jose in Section 5.6, of the DEIR. In 2005, the City certified an EIR for the North San Jose Project which considered Coyote Valley as an alternative location. Excerpts from the North San Jose EIR and the City Council's Findings are attached hereto as Attachment 6, North San Jose EIR Alternatives Evaluation Excerpts, and incorporated into this comment letter. The discussion of this alternative highlights the cursory and inadequate treatment given the alternatives in this DEIR. There are conclusions in the CVSP DEIR that directly contradict earlier conclusions in the North San Jose EIR. For example, the North San Jose EIR states "new roadway facilities required for the Coyote Valley Location Alternative are substantially greater than those proposed for the project in North San Jose where an existing transportation system is well developed." Also, page 351 of the North San Jose EIR states, "development of the proposed project in North San Jose would require expansion and upgrading of existing infrastructure. Development in Coyote Valley will require that most of the infrastructure be built in its entirety." In contrast, the CVSP DEIR states "the environmental impacts of expanding the infrastructure in Coyote Valley and NSJDPU would be comparable." The project in Coyote Valley clearly would result in greater environmental impacts (not comparable impacts) associated with the extension of infrastructure than would the project if it were developed at the North San Jose alternative location; therefore, the DEIR should be revised to reconcile the contradictions between these two documents.
58. **Page 458 – Alternative Location, Section 5.6.1.9.** The DEIR claims that the protection of the Greenbelt urban buffer would not occur if the CVSP project were built in a different location. The Greenbelt is already designated as an urban buffer and, under the County's jurisdiction is zoned exclusively agricultural. It is unclear how this project would protect the Greenbelt.
59. **Page 458 – Alternative Location, Section 5.6.1.11.** The sentence in this section claims that implementing the CVSP project in North San Jose would not be consistent with

many of the project's goals. The DEIR should be revised to make clear that the only objective that could not be achieved is that the project would not be in Coyote Valley. The City concludes that this alternative is environmentally superior to the proposed project for the following reasons: loss of significantly fewer acres of prime farmland, significantly fewer impacts to biological resources (Coyote Creek, Fisher Creek, wetlands, oak woodlands, serpentine grasslands, loss of wildlife movement corridors, special-status animal species), significantly fewer visual impacts, and significantly lower use of energy.

60. **Page 458, Environmentally Superior Alternative Conclusions.** This section is incomplete and inadequate and provides no justification as to why the Reduced Scale Alternative I is the environmentally superior alternative. CEQA Guidelines section 15126.6(d) Evaluation of Alternatives states, "The EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison." The DEIR includes a comparison of each alternative with the proposed project at the end of each alternative discussion; however, nothing is provided in the alternative analysis section of the DEIR that provides a comparison of the alternatives with each other. This analysis must be completed before the City can make the determination of which alternative is the environmentally superior alternative. While the information in the DEIR makes the case that all of the alternatives selected and evaluated are feasible, meet the basic objectives of the project (with the exception of the no project alternative), and are environmentally superior to the proposed project, there is no evaluation provided to justify which among the alternatives is the environmentally superior alternative. The comparison among alternatives must be included in the EIR in order to "foster informed decision making and public participation" (CEQA Guidelines section 15126.6(a)).

In closing, the DEIR inadequately addresses impacts to significant biological resources, in particular those associated with Coyote Creek. Of the 33 impacts to biological resources identified in the DEIR, our interpretation of the information provided indicates at least five of the conclusions of Less than Significant with the incorporation of mitigation were incorrectly determined. We were also unable to evaluate an additional 16 impacts due to the lack of specific information. Comments and questions raised in this letter also impact the cumulative impact analysis, which should be revised to reflect the comments made in the substantive areas above.

The County should request that the City of San Jose revise the DEIR to address the concerns raised in this letter and other letters the City may receive on the DEIR, and recirculate the DEIR for further public review prior to certification by the City Council.

Sincerely,



Teri Wissler Adam
Principal



Janet Ilse
Biologist

Attachments:

Attachment 1, Figure 1, Extent of Development within Riparian Habitat Corridor

Attachment 2, Figure 2, USGS Quadrangle Map

Attachment 3, Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan

Attachment 4, Figure 3, Impacts to Vegetation where Development is Proposed within the Minimum 500-foot Riparian Habitat Corridor

Attachment 5, Santa Clara County Badger Least-Cost Path Analysis with Road Kill Locations

Attachment 6, North San Jose EIR Alternatives Evaluation Excerpts

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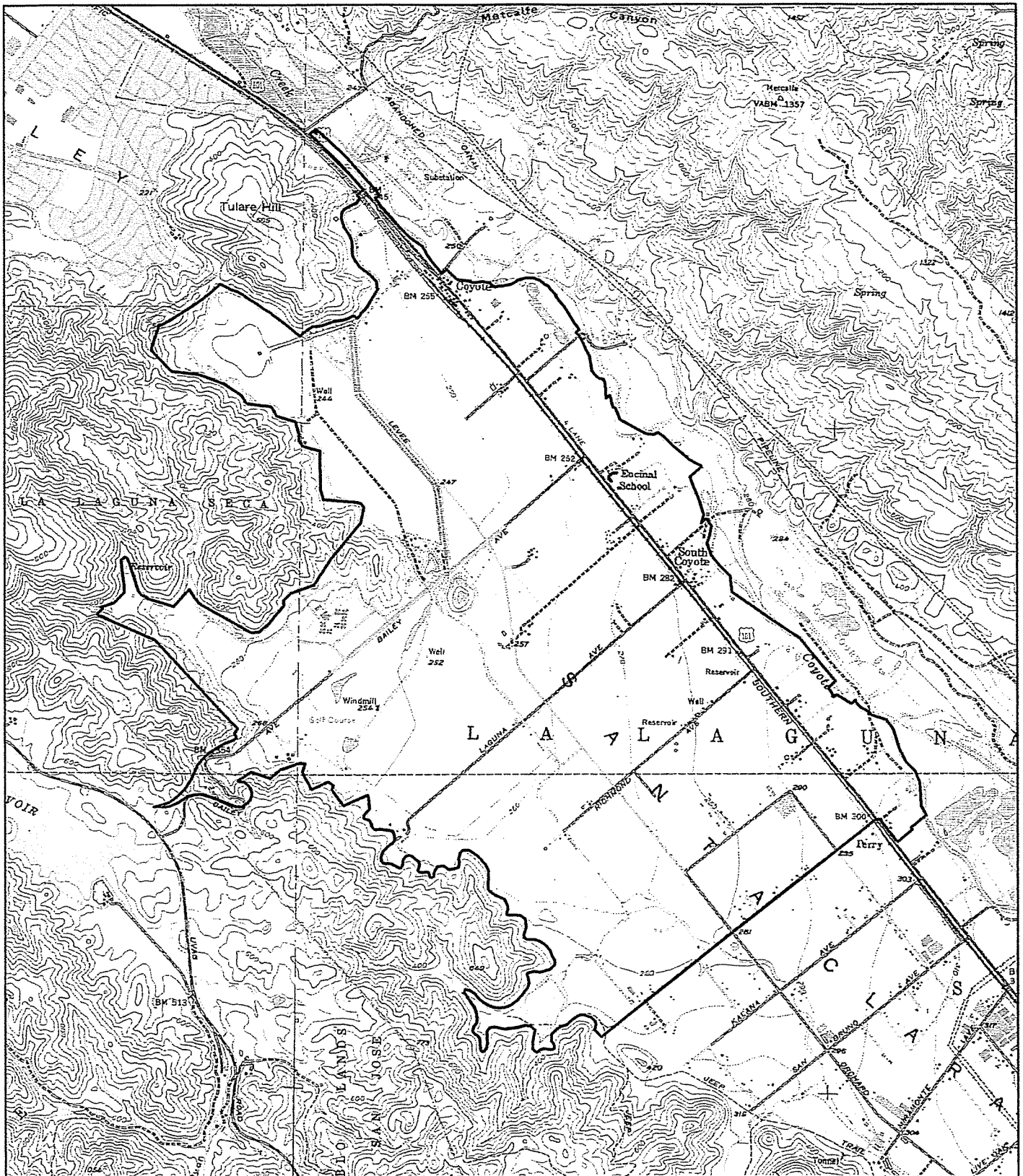
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ATTACHMENT 1

FIGURE 1, EXTENT OF DEVELOPMENT WITHIN RIPARIAN HABITAT
CORRIDOR

ATTACHMENT 2

FIGURE 2, USGS QUADRANGLE MAP



Source: EMC Planning Group Inc. 2007, City of San Jose 2006, Santa Clara County Parks Department 2007, USGS DRG



0 3,000 feet

Legend

 CVSP Development Boundary

Figure 2

USGS Topographic Quadrangles

Santa Clara County Parks Department, CVSP Comment Letter



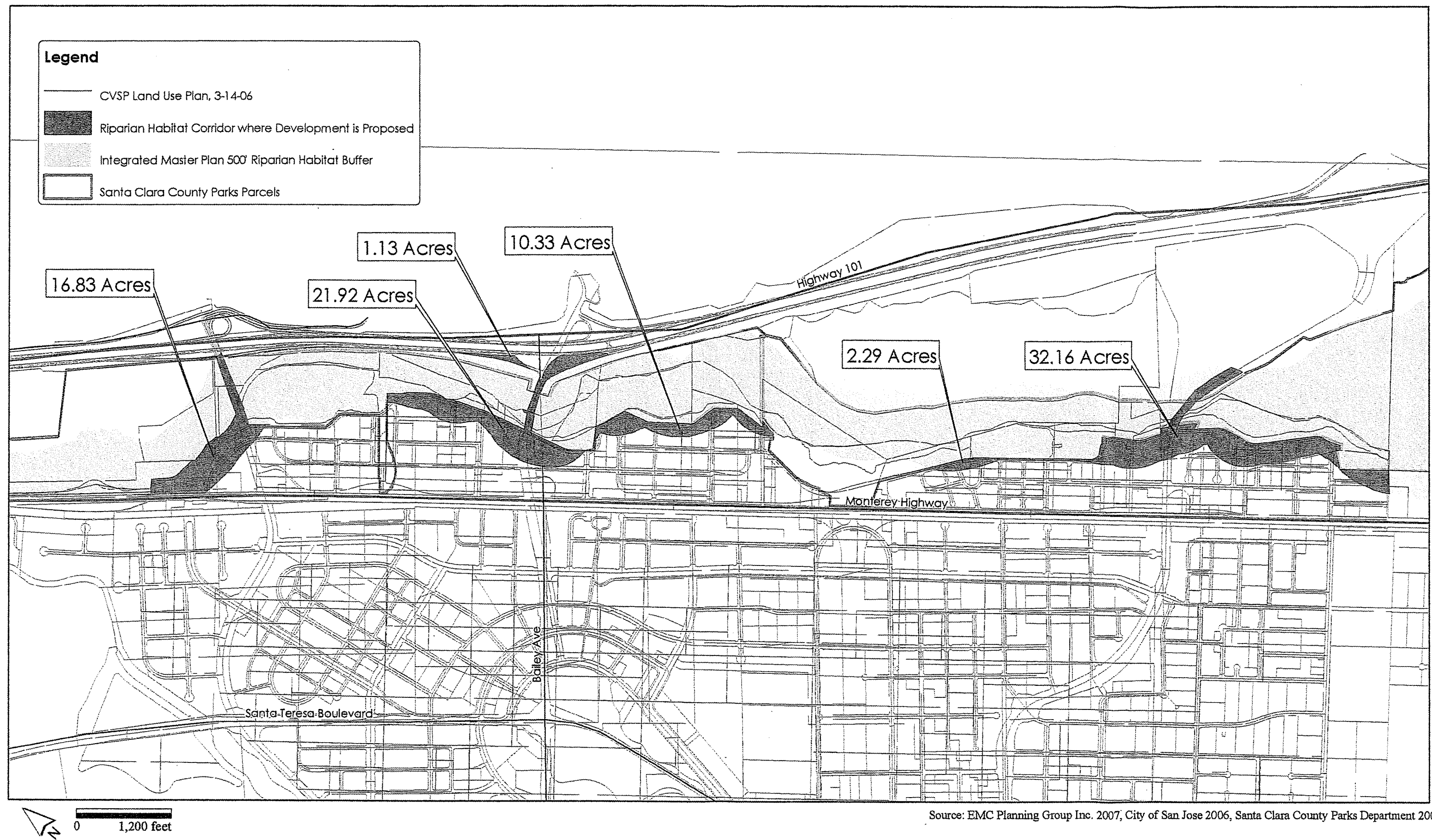


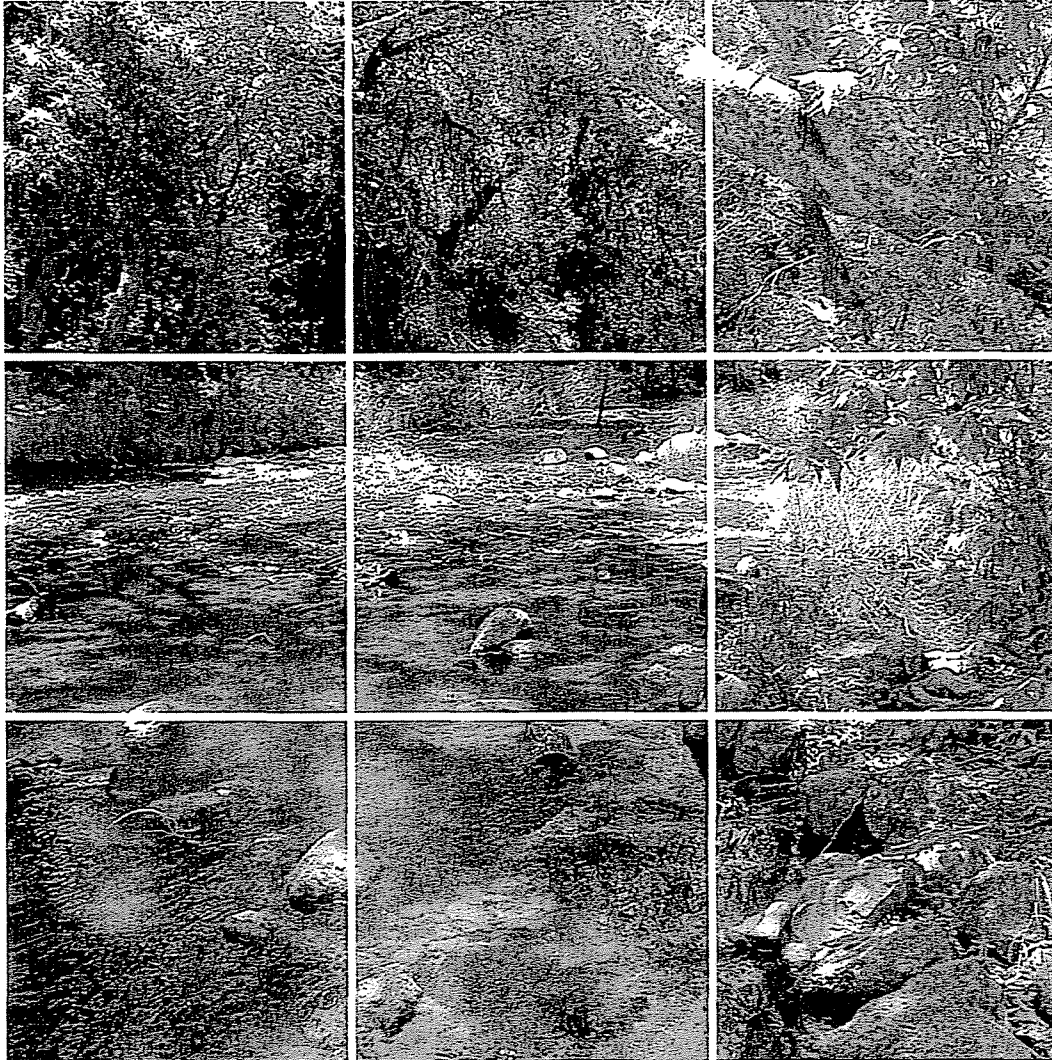
Figure 1
Extent of Development Proposed within Riparian Habitat Corridor
Santa Clara County Parks Department, CVSP Comment Letter

ATTACHMENT 3

COYOTE CREEK PARKWAY COUNTY PARK INTEGRATED NATURAL
RESOURCES MANAGEMENT PLAN AND MASTER PLAN

SANTA CLARA COUNTY PARKS AND RECREATION DEPARTMENT

COYOTE CREEK PARKWAY COUNTY PARK
*INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN AND MASTER
PLAN*



MARCH 2007

2M Associates

Jones & Stokes Associates

Balance Hydrologics, Inc.

Harison & Associates

Coyote Creek Parkway County Park

PARKWAY VISION

The Coyote Creek Parkway is an outstanding example of a regionally significant riparian habitat. It is significant in its physical scope, natural beauty, diversity of species, and extent to which the corridor has been preserved in public ownership. It offers unique recreation and interpretation opportunities for all park visitors. Resource conservation and stewardship values will guide management and development to assure the sustenance of a quality riparian habitat corridor both now and in the future.

Plan Overview



The Coyote Creek Parkway Integrated Natural Resource Management and Master Plan is a planning milestone for the Santa Clara County Department of Parks and Recreation. It is the first plan to be prepared using the standards and guidelines of the Department's *Santa Clara County Parks and Recreation System Strategic Plan* adopted by the Board of Supervisors in June, 2003, where recreational master planning and resource management planning are integrated into a single working vision for a County Park.

The Coyote Creek corridor and its riparian resources are of regional significance. The Parkway is the longest publicly-owned continuous riparian landscape in the Bay Area. At over 15 miles in length, the Parkway is located at a key ecological area within the 320-square-mile Coyote Creek watershed. While presenting a rich history of human presence and occupation, the Parkway's corridor landscapes are critical to the health and vigor of the entire watershed's fish and wildlife resources.

These corridors provide the critical connection between the highly urbanized Silicon Valley to the north and the open space resources of the rural Coyote Valley and upper creek watershed to the south. Therefore, resource conservation and stewardship values have been identified that will guide management and development to assure the sustenance of a quality riparian habitat corridor both now and in the future.

BALANCED IMPLEMENTATION

Implementing the Integrated Plan will involve initiating a series of both resource management actions to sustain and enhance the habitat values of the Parkway and access improvements that will allow the public to experience and enjoy the Parkway's natural resources. The implementation of the Integrated Plan must be viewed as balancing the two; resource enhancement actions going hand-in-hand with improving public access, not one without the other.

TOOLS FOR AN INTEGRATED PLAN

Creating the Riparian Habitat Corridor, establishing Resource Management Zones, defining buffers and setbacks, and enhancing upland areas are the key tools for balanced implementation between resource management and public access. They employ sound principles of conservation biology including, but not limited to: preserving irreplaceable resources such as existing riparian areas and the soils that support them; preserving representative habitat areas within the Parkway; maintaining habitat connectivity along Coyote Creek and across Parkway lands that will, in turn, protect the high biological value essential to wildlife movement inherent in the linear configuration of the Parkway; preserving and enhancing the high quality and ecological diversity of the natural communities of the Parkway representative of the range of contiguous environmental gradients that are available within the Parkway's boundaries; and protecting the Riparian Habitat Corridor from unmanaged public access and buffering it from adjacent developed lands.

INTEGRATED PLAN ORGANIZATION

This report is arranged in seven sections that build upon each other to portray an overall Vision for the Parkway and the actions that will realize that Vision. These sections are:

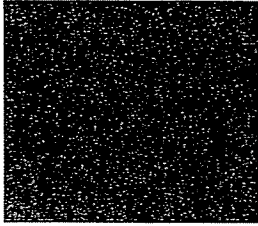
- 1.0 INTRODUCTION:** providing background information on the general need for the Integrated Plan and process used to prepare it.
- 1.0 RELATED PLANS AND PERSPECTIVES:** summarizing related reports prepared throughout the two-year planning process that led to this Integrated Plan, and related agency plans and concurrent planning processes that have influenced the Integrated Plan.
- 1.0 RECREATION TRENDS AND NEEDS:** listing regional and countywide outdoor recreation needs that support the resource management and recreation programs for the Parkway.
- 1.0 PARKWAY VISION, FUNDAMENTAL GUIDELINES, GOALS AND OBJECTIVES:** translating countywide needs into a Vision Statement for the Parkway, and a tiered series of 9 guidelines, 16 goals, and 57 objectives that direct the resource management and recreation use for the Parkway.
- 1.0 PARK CLASSIFICATION:** applying the Department's Parkland Classification System to the Parkway in light of the Vision, goals and objectives, and in doing so, identifying an overall structure for the Parkway composed of Natural Areas, Rural Recreation Areas, and Historic Sites.
- 3.2 THE INTEGRATED PLAN:** identifying priority (one to seven years) and long-range actions for natural resource management activities, facility improvements, and partnerships to guide resource management and support public access and use.
- 7.0 IMPLEMENTING THE PLAN:** identifying environmental mitigations to reduce impacts associated with the Integrated Plan, outlining the Regulatory framework for implementation, presenting probable capital improvement costs and increased management costs associated with the identified priority actions outlined in Section 6.

IMPLEMENTATION PHILOSOPHY

As the Integrated Plan is implemented, enhancing the landscape of the Parkway will involve basic three working philosophies:

- Focusing Parkway-wide resource management actions to build on the existing jewels of the Parkway. . . those areas where habitat conditions are the most diverse and where enhancement would not only further protect those resources but also render them more ecologically viable. These areas include, but are not limited to, the Ogier Pond complex, the Tennant Marsh area, and the creekside cottonwood riparian forests north of Bailey Avenue.
- Assuring that whenever public access improvements are initiated, they are: sited and designed in a way that allows the public to enjoy the Parkway without unnecessarily jeopardizing its resources; and are complemented with resource enhancement activities in contiguous or nearby wetland, riparian, and upland habitats.
- Working in partnership with other interested agencies to ensure optimal use of the County Parks and Recreation Department's resources, provide flexibility for funding opportunities, and strengthen the commitment to implement the vision, goals, and objectives of the Integrated Plan.

With these philosophies and the action items identified, the Integrated Plan provides a strategy for how the Parkway can realistically be managed to most effectively enhance the habitat resources of the Parkway and how public access can be facilitated to provide the quality experience sought by Parkway users in the next 10 to 20 years.



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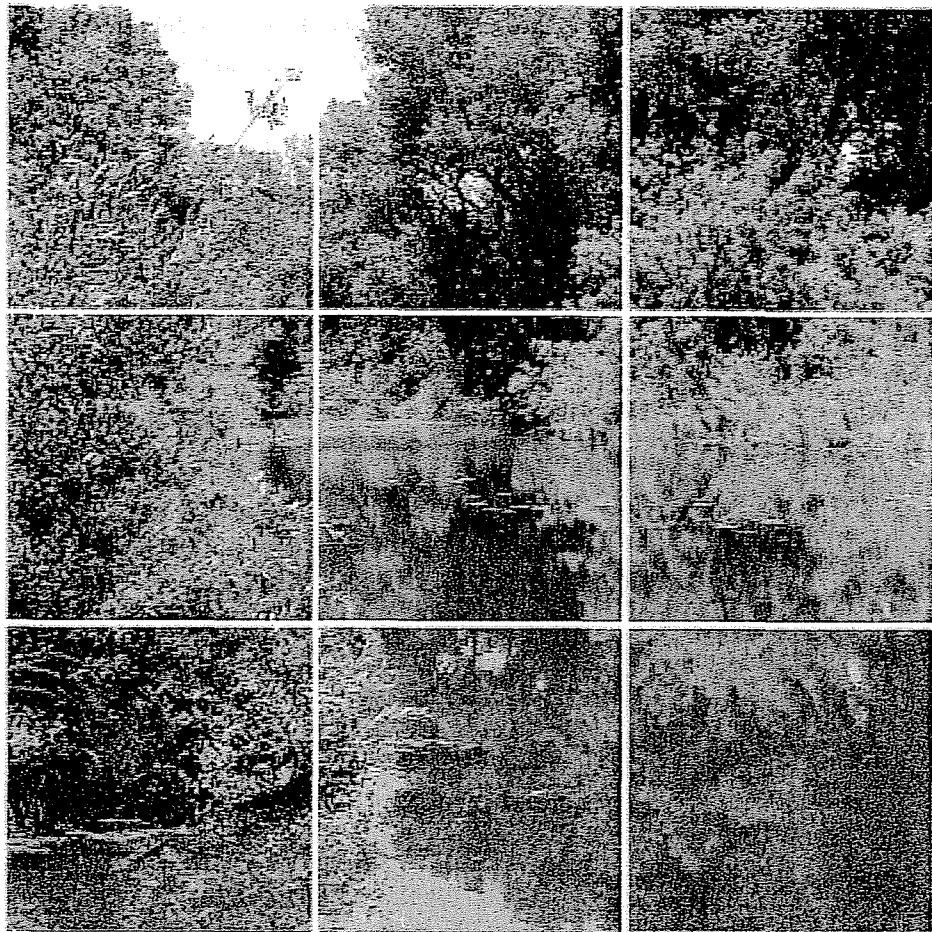
1.0 Introduction

DEPARTMENT MISSION:

The mission of the Santa Clara County Parks and Recreation Department is to provide, protect and preserve regional parklands for the enjoyment, education and inspiration of this and future generations.

DEPARTMENT VISION

We create a growing and diverse system of regional parks, trails, and open spaces of Countywide significance that connects people with the natural environment, offers visitor experiences that renew the human spirit, and balances recreation opportunities with resource protection.



1.1 PARKWAY VISION

The Coyote Creek Parkway is an outstanding example of a regionally significant riparian habitat. It is significant in its physical scope, natural beauty, diversity of species, and extent to which the corridor has been preserved in public ownership. It offers unique recreation and interpretation opportunities for all park visitors. Resource conservation and stewardship values will guide management and development to assure the sustenance of a quality riparian habitat corridor both now and in the future.

1.2 BACKGROUND

1.2.1 PURPOSE OF THE INTEGRATED PLAN

The Coyote Creek Parkway County Park Integrated Natural Resources Management Plan and Master Plan (the Integrated Plan) is crafted to balance the long-term resource management of the Coyote Creek Parkway County Park (the Parkway) corridor with its recreation use in a way that directly reflects the Mission and Vision of the Santa Clara County Parks and Recreation Department (the Department). By doing so, the resulting landscape and the recreation and educational opportunities it affords, will benefit all the residents of Santa Clara County for generations to come. The Integrated Plan portrays how the Parkway can realistically be managed and how public access can be facilitated in a 10 to 20-year timeframe to most effectively enhance the habitat resources of the Parkway while providing the quality outdoor recreation experience sought by Parkway users.

1.2.2 NEED FOR THE INTEGRATED PLAN

The Integrated Plan is needed to respond to a series of challenges and changes that include:

- Population growth in Santa Clara County and the resulting increased demand for regional outdoor recreation opportunities as well as the protection of riparian lands and related habitats from encroachment.
- Changes in practices for water distribution, stream flows in Coyote Creek, and management of riparian systems.
- Need for a clear strategy for resource management.
- Development of a systematic approach to the interface between public and private lands along the Parkway perimeter as urbanization of the Coyote Valley continues and rural lands around the Parkway are converted to new uses.

1.2.3 PARKWAY SETTING

The Coyote Creek watershed is one of the largest watersheds in Santa Clara County. From its origins in the Diablo Range, it covers over 320 square miles. The Parkway is over 15 miles in length and includes approximately 1,690 acres of land. As illustrated in Figure 1, the Parkway extends from the base of Anderson Dam near Morgan Hill and continues north to Hellyer County Park in San Jose. Figure 2 depicts the major existing use areas along the Parkway.

1.2.4 PARKWAY SIGNIFICANCE

The Coyote Creek corridor and its riparian resources are of regional significance. The Parkway is the longest, publicly owned, continuous riparian landscape in the Bay Area. One of the fundamental roles of the County Park system is to conserve the representative native landscapes of Santa Clara County and their natural resources. Coyote Creek and the accompanying Parkway is one such resource. The landscape resources of the Parkway play a fundamental role in the experiential enjoyment, education, and inspiration of its visitors as well as the quality of life for all residents in the County.

1.2.5 PARKWAY HISTORY

The Parkway was conceived in the 1960s when both the City of San Jose and Santa Clara County began acquiring lands adjacent to Coyote Creek for use as parkland. In preparation for a jointly-sponsored master plan, the City and County approved the "Coyote River Policy Statement" in 1969, that included the following:

"...where the continuity of riding, hiking, and bicycle trails through the park would be assured, park design would be coordinated with the Santa Clara County Flood Control and Water Conservation District, and that all outdoor recreation would be compatible with the natural resources of the area."

This thirty-five-year-old policy statement for the Parkway, with the exception that the Santa Clara County Flood Control and Water Conservation District is now the Santa Clara Valley Water District, is still valid today.

1.3 THE INTEGRATED PLAN PROCESS

The Integrated Plan for the Parkway is the first plan to be prepared by the Department since the adoption of the 2003 Santa Clara County Parks and Recreation System Strategic Plan (the Strategic Plan).

The Strategic Plan established a framework for planning individual parks that differs from that used by the Department in the past. This framework emphasizes the importance of the last phrase in the Department's Vision statement: "balances recreation opportunities with resource protection". This balance is achieved by allowing determinations about natural resource management to be a precursor to identifying the pattern and intensity of public use and facilities within regional parklands.

The planning approach used in preparing the Integrated Plan involved a four-step process. These phases were:

Step 1 – Program Development: where a vision for the Parkway and palette of management and use program options to be considered in the Integrated Plan were developed. All program options responded to countywide needs for regional parks as identified in the Strategic Plan (see Section 3.0). These program options include:

- Resource management goals and objectives that reflect the Department's stewardship responsibilities for managing, protecting, and restoring parkland resources, and the current regulatory requirements involving stream systems in general and Coyote Creek in particular.
- Existing recreation and education use
- Proposed uses that meet the Department's criteria of Countywide significance (see Section 6.1.4). These include: Countywide trails and trail connections; outdoor recreation uses and facilities; agricultural and historic uses; educational and interpretive programs; and park operations.

Step 2 – Plan Development: where the use and development program options identified in Task 1 were detailed as resource management strategies and site plan alternatives that, with public review, resulted in a Preliminary Plan. Strategies and plan alternatives were evaluated within the framework of the Department's Park Classification System (see Section 5.0 and Attachment 1). Resource management units were delineated that reflected the resource management goals and objectives for hydrology, habitat management, and cultural resource protection programs outlined in Step 1. Based on the inherent natural and cultural resource sensitivities of individual resource management units, areas of the Parkway were organized into three Park classifications:

- Natural Areas: defined within the Parkway as the Riparian Habitat Corridor and include:
 - Lands generally managed for conditions that best protect the environment and habitat value; and
 - Lands developed with only minimal amenities needed to provide public access for low-intensity and dispersed recreation.
- Rural Recreation Areas: areas that occur outside the Riparian Habitat Corridor and include:
 - Lands generally in an undeveloped condition that appear natural in character and encompass a wide variety of habitat types; and

- Lands that could be developed for relatively moderate to high-impact public recreation uses.
- Historic Sites – Two sites within the Parkway that overlap both Natural Areas and Rural Recreation Areas.

The Park Classification System was a key tool in directing recreation uses and improvements to areas least likely to disturb the riparian habitat values of the Parkway. The process of translating goals and objectives outlined in the Program Plan into alternatives involved:

- Identifying criteria for establishing a Riparian Habitat Corridor throughout the length of the 15-mile-long Parkway.
- Developing a management framework for protecting and enhancing the natural and cultural resources of the Parkway.
- Identifying designations within the context of the County's Park Classification System that would be appropriate for Parkway resources.
- Delineating and describing options for how public access to and within the Parkway could be enhanced to better protect the natural resources of the Parkway while continuing to provide a quality outdoor recreation experience.

Alternatives were formulated using the following methodology:

- **Task 1:** Delineate an optimum Riparian Habitat Corridor (see Section 6.3.1 for a summary of the defining resource criteria).
- **Task 2:** Identify an initial framework for managing natural resources based upon degrees of accomplishing the specific goals and objectives of the Resource Management Program for the delineated optimum Riparian Habitat Corridor.
- **Task 3:** Identify Park Classification System designations using the Riparian Habitat Corridor as a Natural Area and other lands as Rural Recreation Areas. Historic Area designations overlay onto either Natural or Rural Recreation Area designations.
- **Task 4:** Identify Resource Management Units based on specific goals and objectives of the Resource Management Program.
- **Task 5:** Identify Master Plan Program alternatives for public access, outdoor recreation uses, educational and interpretive uses, and capital improvements. The Master Plan Program alternatives assume the following hydrologic criteria:
 - Typical Santa Clara Valley Water District (SCVWD) stream release (600 cubic feet per second)
 - 1% flood (FEMA 100-year floodplain map boundary)

In addition, use and facility setbacks (see Section 6.4.3 and Table 3) were used to delineate Rural Recreation Areas and options for rerouting sections of the Coyote Creek Trail. In some cases, these designations involved Parkway expansion.

- **Task 6:** Identify an array of options for a Parkway expansion program ranging from no significant alteration of park boundaries to an increasingly comprehensive approach of securing a sustainable Riparian Habitat Corridor around Coyote Creek that would achieve the goals and objectives of both the Natural Resource Management Program and the Master Plan Program. It is acknowledged that at each level, parkland expansion can only be achieved when willing sellers or complementary partnerships with other agencies have been identified and adequate funding has been secured (see also Section 6.2).

Step 3 – Review Under the California Environmental Quality Act (CEQA):

The Preliminary Integrated Plan was used as the preferred alternative for review under the California Environmental Quality Act (CEQA). Using the CEQA guidelines, an Initial Study / Mitigated Negative Declaration for the Integrated Plan was published and circulated for agency and public comment. This evaluation was conducted using a two-tiered approach consistent with the Integrated Plan. The first tier evaluation was conducted at the project level and encompasses immediate actions and clearly delineated future actions within the existing boundaries of the Parkway. The second tier addresses long-term program actions for recreation enhancements within the existing Parkway, and plans for expansion of the Parkway for resource protection and for realignment of segments of the Coyote Creek Trail. Mitigation measures that resulted from that review process were incorporated into the Integrated Plan (see Section 7.1).

Step 4 – Draft Plan and Adoption: where this Draft Integrated Plan will be reviewed and adopted as a Final Plan by the Santa Clara County Board of Supervisors.

1.4 OUTREACH AND COORDINATION

An open planning process was conducted. Public notices about the preparation of the Integrated Plan were sent to all stewardship and regulatory agencies, permittees and lessees, user and special interest organizations, and approximately 3000 adjacent property owners. Along with other outreach efforts (nine update newsletters, e-mails, individual user group work sessions), the major meetings and reviews conducted in the preparation of the Integrated Plan are outlined below.

Santa Clara County Parks and Recreation Commission: Public workshops and or progress review meetings were conducted with the Commission as follows:

- May 5, 2005 and June 2, 2005: review and acceptance of the Draft Program Document
- November 2, 2005 and December 7, 2005: review and acceptance of proposed Alternatives
- November 30, 2005: tour of Coyote Creek
- May 3, 2006 and June 7, 2006: review and acceptance of the Preliminary Plan
- December 6, 2006: review and comment with recommendations to the Board of Supervisors on the Draft Plan

Public Workshops: In addition to public participation at Parks and Recreation Commission meetings, two rounds of public workshops were conducted as follows:

- February 3, 2005 (Morgan Hill) and February 23, 2005 (San Jose): to review the planning process and solicit ideas for what the Parkway should be like, how it should be managed, and how it should be enjoyed over the next twenty years.
- March 29, 2006 (San Jose) and March 22, 2006 (Morgan Hill): to review and comment on the Draft Preliminary Plan prior to its presentation to the Parks and Recreation Commission.

Coyote Creek Watershed Integration Working Group (CWIWG): The CWIWG is a multi-agency working group representing those public agencies responsible for managing and regulating the resources of the Coyote Creek Watershed. The Integrated Plan was a standing agenda item of the CWIWG agenda and its comments essentially served as a technical advisory group review of the planning process. Meetings included:

- October 28, 2004 / Topic: Overview of the Parkway and schedule of the planning process
- December 16, 2004 / Topic: Integrated Plan Vision and Goals
- March 10, 2005 / Topic: Preliminary Program
- June 9, 2005 / Topic: Program Report
- September 22, 2005 / Topic: Draft Alternatives
- January 12, 2006 / Topic: Draft Preferred Alternative
- April 20, 2006 / Topic: Draft Preliminary Plan
- July 13, 2006 / Topic: Preliminary Plan
- October 3, 2006 / Topic: CEQA Review

City of San Jose – Coyote Valley Specific Plan Coordination Meetings:

Because a major segment of the Parkway is adjacent to the Coyote Valley Specific Plan area, coordination meetings were conducted as follows:

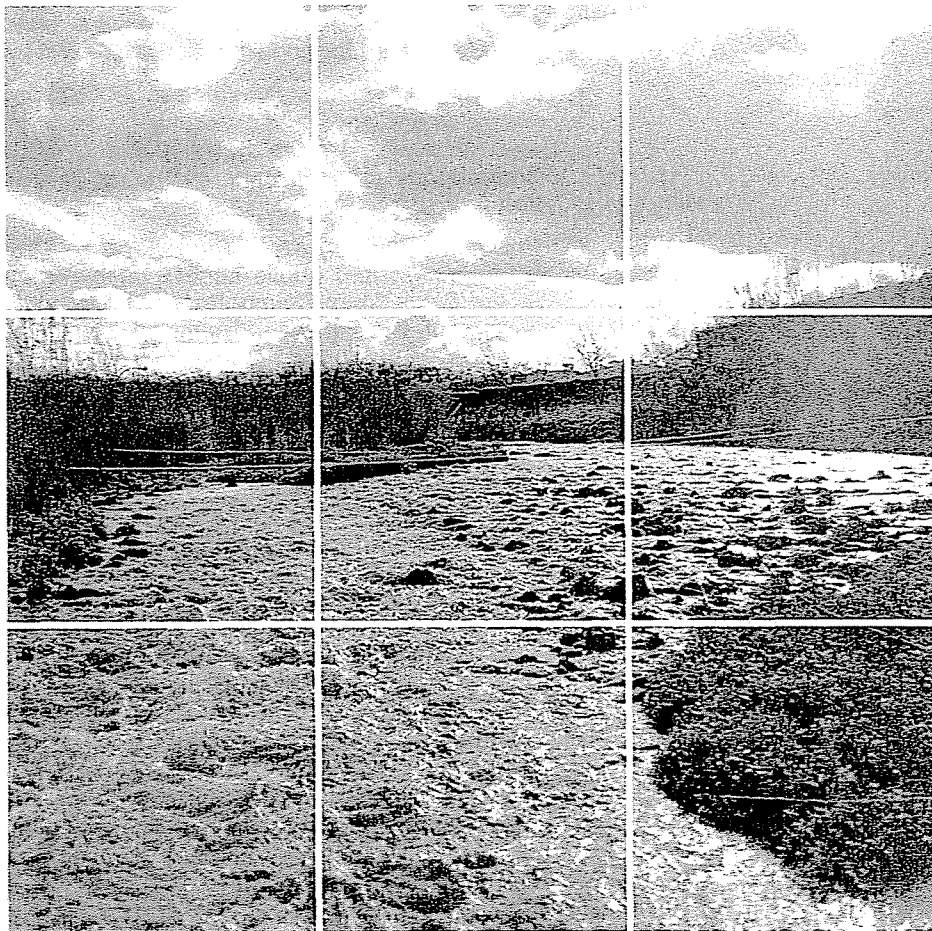
- February 12, 2005 / Topics: Relationship of Parkway to Specific Plan areas; Integrated Plan Vision and Goals; planning coordination
- March 11, 2005 / Topics: Goals and objectives for CVSP trails, Coyote Creek Corridor. And non-vehicular circulation strategy
- June 16, 2005 / Topics: Integrated Plan Program
- July 21, 2005 (with the City of San Jose Parks Subcommittee) / Topics: Relationship of Parkway to Specific Plan areas; Integrated Plan Program; CVSP access routes through the Parkway
- September 21, 2005 (with the City of San Jose Parks Subcommittee) / Topics: Parkway Program and the Riparian Habitat Corridor
- April 20, 2006 / Topics: Parkway Program and the Riparian Habitat Corridor

Santa Clara Valley Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP):

The HCP/NCCP is being prepared by a regional partnership and encompasses the Parkway. Presentations made to this group included:

- February 8, 2006: a presentation and discussion with the HCP/NCCP Technical Group of the Preferred Alternative with an emphasis on the Resource Management Plan and the Riparian Habitat Corridor
- April 26, 2006: a presentation for review and comment to the HCP/NCCP Stakeholder Group of the Draft Preliminary Plan with an emphasis on the Resource Management Plan and the Riparian Habitat Corridor
- August 24, 2006: a presentation for review and comment to the HCP/NCCP Liaison of the Preliminary Plan with an emphasis on the Riparian Habitat Corridor
- October 26, 2006; update to the HCP/NCCP Liaison Group regarding interface between Preliminary Integrated Plan goals and objectives and City of San Jose proposed development plans for Coyote Valley Specific Plan

2.0 Related Plans and Perspectives



2.1 RELATED INTEGRATED PLAN DOCUMENTS

Complementing this report is information contained in previously published documents associated with the Integrated Plan process. Each of these reports may be reviewed at the County Parks Department web site: www/ParkHere.org. These are:

- *Program Plan* (May, 2005): presents a summary of existing conditions within the Parkway corridor, a vision for the Parkway, a set of goals

and objectives for the Integrated Plan, and resource management and park program elements to be considered in the Integrated Plan.

- *Summary of Alternatives* (September, 2005): overviews the approach used in identifying alternatives for the Integrated Plan, the criteria used in identifying a Parkway Riparian Habitat Corridor, how the County's regional park classification system is applicable to existing Parkway lands, and alternatives for the Integrated Plan.
- *Summary of Comments – Alternatives* (November, 2005): summarizes a listing of comments made about the alternatives and suggested additional items for consideration within the planning process.
- *Preferred Alternative* (November, 2005): includes natural resource management and public access / use improvement programs that were accepted by the Santa Clara County Parks and Recreation Commission to be further evaluated in developing the Preliminary Plan.
- *Preliminary Integrated Plan* (June, 2006): includes resource management and public access improvement activities as accepted by the Santa Clara County Parks and Recreation Commission that will implement the Parkway Vision.
- *Initial Study and Mitigated Negative Declaration* (November, 2006): analyzes the Preliminary Integrated Plan under the CEQA guidelines for environmental review and identifies mitigation measures to lessen impacts to a level that is not significant.

2.2 AGENCY PLANS AND PROGRAMS

SANTA CLARA COUNTY

This Integrated Plan incorporates by reference the applicable plans, policies, programs, and guidelines of the Santa Clara County Parks and Recreation Department as found in the following:

- *Santa Clara County Regional Park System Strategic Plan, 2003* (the Strategic Plan) – This plan establishes a wide variety of Countywide strategies that affect the Integrated Plan. In addition the Strategic Plan provides: criteria for establishing Countywide significance to be used in evaluating proposals for Parkway uses and facilities; and a Park Classification System that will be used to organize the management and use of the Parkway.
- *Santa Clara County Trails Master Plan Update, 1995* (the Trails Master Plan) – This plan identifies trail routes of Countywide significance and guidelines for implementing those routes.
- *Uniform Inter-jurisdictional Trail Design, Use, and Management Guidelines, County of Santa Clara, 1995* – This plan provides trail development and management guidelines that are applicable to urban areas of the County and complement those found in the 1995 Trails Master Plan Update.
- *Santa Clara County General Plan, 1995* – This plan provides general policies about the conservation of resources and development of regional park facilities and park expansion.

In addition, the Integrated Plan incorporates the analysis and considers the recommendations contained in the Department's *Countywide Swimming Feasibility Study Report*, December, 2004. This feasibility study evaluated options within the Santa Clara County Parks system for developing a regional swimming area in a "natural setting" and a separate water facility for training dogs.

**SANTA CLARA
VALLEY
TRANSPORTATION
AUTHORITY**

The Santa Clara Valley Transportation Authority (VTA) adopted two companion documents related to bicycle planning:

- *Countywide Bicycle Plan, 2000* – The Countywide Bicycle Plan identifies the Cross-County Bicycle Corridors, a network of 16 routes for bike travel across the county. The corridors include bicycle lanes on arterials, as well as extensive creek trails, including the Coyote Creek Trail.
- *Bicycle Technical Guidelines: A Guide for Local Agencies in Santa Clara County, 1999* – These guidelines present the optimum design standards for bikeway projects and roadway projects where bicycles are permitted. These guidelines complement those prepared for the Department for off-street trails.

**CITY OF
SAN JOSE**

City of San Jose General Plan: Most of the areas adjacent to the Parkway north of Metcalf Road are built out consistent with San Jose's General Plan land use designations. Areas that will receive additional development and that would result in additional use of the Parkway include:

- Industrial park development along Hellyer Avenue north of Silver Creek Valley Boulevard
- Residential development east of Highway 101 in the foothills north of Metcalf Road

Lands south of Metcalf Road and east of the Parkway are designated as Non-Urban Hillside. General Plan Land Use maps for the areas surrounding the Parkway are found in Appendix D.

Coyote Valley Specific Plan: Since August, 2002 the City of San Jose has been preparing the Coyote Valley Specific Plan (the Specific Plan). The Specific Plan area is immediately adjacent to and in some sections includes portions of the Parkway. As illustrated in Figure 2, the Specific Plan is divided into two broad planning areas. These are:

- North Coyote Campus Industrial and Coyote Valley Urban Reserve: lying immediately adjacent to the Parkway from just south of Palm Avenue downstream (north) to the confluence of Fisher Creek with Coyote Creek (adjacent to Tulare Hill and opposite the Coyote Ranch). While the conceptual framework for that plan area has been developed, the final land use description has yet to be published and the environmental review process has yet to begin. Aspects of the Specific Plan that will potentially affect the Parkway program include:
 - Urban Development – Greenline / Urban Growth Boundary: where the City Council's vision is for the total development potential of at least 50,000 jobs and at least 25,000 housing units within a defined, fixed urban limit line. Immediately adjacent to the Parkway, this would include low to moderate density housing and commercial development.
 - Transportation Improvements: involving construction of two new interchanges on Highway 101 with arterial routes crossing Coyote Creek and the Parkway and the realignment of the northbound lanes of Monterey Road. These improvements would involve use of Parkway lands.
 - Creek Floodplain Modification: Potentially filling in significant areas of the existing Coyote Creek floodplain to support land development activities east of Monterey Road.
 - Water Use: Using groundwater as the major supply source for the area.
 - Trails: Developing an extensive system of trails that utilizes individual and shared-use trail types, including: Caltrans Class I, II, and III bikeways, equestrian trails, hillside scenic trails, urban trails, and shared-use trails that would connect with the Coyote Creek Trail. Consideration is being given to relocating the Coyote Creek Trail west through the Specific Plan area.
- The Coyote Greenbelt: extending south from Palm Avenue, this area is intended to maintain a distinct rural break between San Jose and Morgan Hill. While land use proposals remain in the conceptual formulation stage, they are intended to include relatively low-density uses that generally would be compatible with the Parkway.

Updated information about the Coyote Valley Specific Plan and the associated planning process may be found at: www.sanjoseca.gov/coyotevalley/.

**CITY OF
MORGAN HILL**

City of Morgan Hill General Plan: Morgan Hill's General Plan indicates a need for a City park within the general area of the Parkway downstream from the Malaguerra Staging Area. The General Plan map also delineates a long-term Urban Growth Boundary, that differentiates land within the City's Sphere of Influence intended for future urbanization from land intended to remain rural and unincorporated for the next 20 years. The UGB borders the Parkway and

includes the Malaguerra Staging Area. The City's Sphere of Influence basically includes all of the Parkway east of Burnett Avenue. Prior to urbanization, large-parcel uses, including farming, are encouraged on land inside the UGB but outside the City. Agricultural and open space uses are preserved on all lands outside of the UGB. A priority of the Parks and Recreation chapter of the General Plan is the implementation of an east-west bikeway connection to the Parkway. The Morgan Hill General Plan Land Use maps for the areas surrounding the Parkway are found in Appendix D.

City of Morgan Hill Bikeways Plan: The City Bikeways Plan has a number of on-street bicycle connections to the Coyote Creek Trail. These include:

- Class 1 – shared-use path: Coyote Creek Trail connection from Burnett Avenue to Malaguerra Extension, with connectors from Burnett Avenue to the Ann Sobrato High School.
- Class 2 – bike lane, both sides: portions of Cochrane Road
- Class 3 –Bike Route with wide outside lane: Peet Road, Morningstar, Eagle View, portions of Cochrane Road and Malaguerra Avenue.
- Class 3b –Bike Route with shoulder striping: portions of Cochrane Road and Burnett Avenue.

Note: the above connections are detailed in the City of Morgan Hill City Bikeways Map, September 2003.

SANTA CLARA VALLEY WATER DISTRICT

The Santa Clara Valley Water District (SCVWD) manages the waters and floodway of Coyote Creek and groundwater conditions throughout the Coyote Valley. This management is accomplished principally through releases from Anderson Dam, although water is sometimes conveyed to Coyote Creek from the State Water Project. Relevant background documents include:

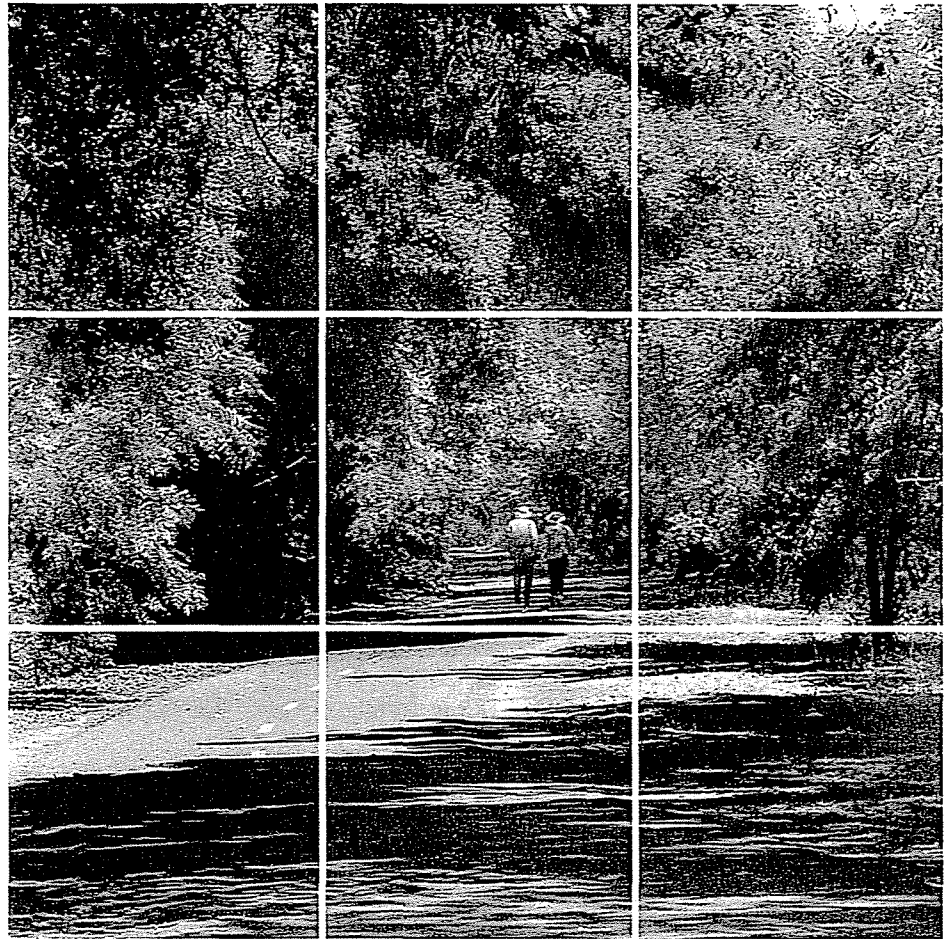
- *Coyote Creek Watershed Management Plan: Santa Clara Valley Water District, 2002* – provides a strategic approach for implementing the District policies using a watershed management approach for stream stewardship within the Coyote Watershed. The SCVWD Board of Directors established the Ends Policy to further the District's mission for comprehensive water/flood management programs to better serve the community. The Ends Policy, in part, envisions a watershed in which:
 - There is a healthy and safe environment for residents and visitors.
 - There is a reliable supply of healthy, clean drinking water.
 - There is a reduced potential for flood damage.
 - There is an enhanced quality of life in Santa Clara County.
 - Watersheds, streams, and the natural resources therein are protected and, when appropriate, enhanced or restored.

- There are additional open spaces, trails, and parks along creeks and in the watersheds when reasonable and appropriate.
- *Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) Agreement, 2003* – The SCVWD and a consortium of agencies and private resource conservation groups entered into the FAHCE agreement that outlines a 30-year program to provide spawning and rearing habitat for Chinook Salmon and Steelhead Trout in the reaches of Coyote Creek within the Parkway and elsewhere in the County. This program includes long-term goals for stream releases to support spawning, and actions to establish Coyote Creek through the Parkway as a cold water fishery. This program considers, among other enhancement measures:
 - Minimum stream flows
 - Removing barriers to fish passage such as culverts and low road crossings
 - Reconstructing Coyote Creek such that it is separated from the warm-water environments (percolation ponds and mining ponds) through which it now flows. This includes the area around the Ogier Ponds and the Coyote Percolation Ponds.
 - Enhancing Coyote Creek from Anderson Dam downstream to approximately Palm Avenue as a cold water zone for rearing anadromous fish.
- *Stream Maintenance Program; Best Management Practices, May 17, 2002* – A multi-year stream maintenance program involving:
 - Sediment removal
 - Vegetation management
 - Bank protection
 - Minor maintenance activities
 - All channels are protected and maintained to convey the 100-year (1% probability) flood. The SCVWD may implement a wide range of mitigation procedures and bank protection techniques including bio-engineering or hard-structure river engineering

**SANTA CLARA
VALLEY HABITAT
CONSERVATION
PLAN / NATURAL
COMMUNITY
CONSERVATION
PLAN**

The Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) is being created by a regional partnership between the following agencies: County of Santa Clara; Cities of San Jose, Gilroy and Morgan Hill; Santa Clara Valley Transportation Authority; SCVWD; California Department of Fish and Game; United States Fish and Wildlife Service; and the National Marine Fisheries Service. The HCP/NCCP will provide the partner agencies long-term, development related coverage under Section 10 of the Endangered Species Act. The expected completion date of the Final HCP/NCCP is 2009. The entire Parkway is located within the HCP/NCCP planning area and as such will be considered an interim project under the agreement of the HCP/NCCP partners.

3.0 Recreation Trends and Needs



3.1 NEEDS SURVEYS

Over the past several years there have been numerous state, regional, and local studies addressing outdoor recreation trends and needs. A telephone survey was conducted by the California State Department of Parks and Recreation in 2003 about public attitudes and opinions on outdoor recreation in

the State. These results supported the conclusions of local telephone surveys conducted by the Santa Clara County Parks Department in 1999 and 2001.

In 2004, the Department conducted a willingness-to-pay survey directed toward park funding in the County. In conjunction with earlier surveys that found County residents actively seeking out the type of recreation offered by the County's regional park system, this survey confirmed that Santa Clara County voters were supportive of spending revenue to preserve water quality, natural areas, and wildlife habitat in County parks.

The conclusions reached by the Department's telephone surveys conducted in Santa Clara County in 1999 and 2001 identified a series of Countywide park and recreation needs for the Department's Strategic Plan. The needs identified in the Strategic Plan addressed a number of demographic issues facing the County; responded to Countywide recreation preferences and trends; and reflected the fundamental values of the Department and County residents as collected through an extensive public outreach process. The Strategic Plan envisioned that future park master planning efforts within the Parks Department would address these needs within the context of the specific park. These needs were incorporated into the Integrated Plan process.

3.2 REGIONAL OUTDOOR RECREATION NEEDS

Seventeen Countywide park and recreation needs were identified during the development of the Strategic Plan. The following summarizes how the Parkway program reflects these needs.

NEED:
Create Opportunities
for the Future

In 20 years it is projected that Santa Clara County will have approximately 23% more residents than it does today. By approving Measure C in 2004, Morgan Hill voters extended the City's Residential Development Control System (RDCS) to 2020. The General Plan assumes that some form of residential growth control and the current allowed rate of 250 new units per year will continue until 2020, resulting in a city population at that time of roughly 48,000. The population in Morgan Hill is currently approximately 36,500 (source: Morgan Hill General Plan, July 2004). The Coyote Valley Specific Plan anticipates that at buildout a population of up to 80,000 will reside immediately adjacent to the Parkway. This increased population will place significant pressure on the viability of the Parkway's natural resources, recreation opportunities, and

management. Existing Parkway facilities and management levels cannot accommodate the magnitude of use that would accompany such growth.

The Integrated Plan outlines options for new facility development and use opportunities. These include, among other items: conservation of Coyote Creek, a regional open space resource; an expanded trail system and related support features; a regional staging area; group picnic areas; the potential for a regional swimming facility; interpretive programs; and preservation of historic buildings. These improvements address the many regional outdoor recreation needs identified in the Strategic Plan that a growing population and nearby urbanization of what historically has been a relatively sparsely-populated agricultural area will want.

**NEED:
Expand the System**

The Strategic Plan concluded that the overall County Park system should not be static and should be expanded with a land acquisition program to accommodate the needs of a growing population and reflect the Department's role in resource conservation. Expansion of the Parkway boundaries to provide buffer areas and the preservation of natural resources is a key element of the Integrated Plan. Lands to be identified include: areas needed to reroute the existing Coyote Creek Trail out of flood-prone areas; areas where the restoration of a distinct creek channel would be beneficial in providing cold-water habitat for aquatic species; areas that would be beneficial to overall channel stability; and areas that would provide better boundary management while retaining a rural character relative to the visitor's Parkway experience.

**NEED:
Provide for Basic,
High Demand,
Regional Recreation
Opportunities**

The most popular and demanded recreation activities are intrinsically related to a classic regional park development formula: access, a water feature, places to congregate and picnic, and trails to be used for a variety of purposes. The Integrated Plan will expand opportunities for some of the most highly-ranked regional outdoor recreation activities within the County. These include, but are not limited to:

- Trail activities for walking / hiking, running, and all types of bicycling
- Horseback riding
- Group and family picnicking

NEED:
Provide Swimming
Opportunities in a
Regional Park Setting

During the prime recreation season, most areas of Santa Clara County are warm to hot. Swimming is perceived as a major focus for summer outings. The fifth most desirable recreation activity requested by County residents is swimming in a regional park setting. The Department conducted a Swimming Feasibility Study that concluded the Parkway contains most of the opportunities for such a facility within the existing County Park system. An alternative site is included in the Integrated Plan at the Perry's Hill Recreation Area.

NEED:
Provide Regional
Parks with Multiple
Outdoor Recreation
Opportunities
directed to Small and
Large Group Use

Regional parks offering multiple outdoor recreation opportunities, particularly those appealing to all age groups and abilities, are most desirable for groups and families. The Integrated Plan provides opportunities to expand existing use areas or create new ones that provide: open lawns for play; shade; opportunities to take short or long trail adventures; a water body that can be used for boating, swimming, and fishing; clean and readily available facilities (especially restrooms); concessions; and special use features that offer opportunities for all age groups.

NEED:
Provide Places for
Special Events

Places and facilities that accommodate special events are demanded within the regional parks system as a whole. Within the Parkway, the Coyote Ranch does accommodate this need. The Integrated Plan assumes the continuation of the lease agreement for the operations of the Coyote Ranch. Where possible, facility and resource improvements to better utilize the Coyote Ranch have been included.

There is also a need for a variety of facilities related to specific forms of recreation. These facilities often involve regional competitions (e.g., archery, horseshoes, and the like.) While these uses may not be related to the Creek or its riparian resources and may be more properly located elsewhere, the Integrated Plan strives to identify, consistent with the resource values of the Parkway, large areas that are accessible and that could potentially be improved in the future for a number of recreation activities.

NEED:
Provide Places with
a Sense of
Remoteness

The distinction between parks that were once 'remote' and the edge of urban development is disappearing. In most reaches of the Parkway there are now a number of opportunities for relaxation and feeling totally separated from the bustle of the urbanized valley. In selected areas it is even possible to be removed from the sounds of Highway 101. However, with continued

urbanization of the Coyote Valley, this separation as it is experienced from existing use areas and the Coyote Creek Trail will be in jeopardy. The Integrated Plan identifies areas and resource management techniques such as vegetated screening to divorce the Parkway experience from urbanization.

NEED:
**Provide Systemwide
Strategy for Outdoor
Recreation and
Training
Opportunities for
People with Dogs**

With special permits, a variety of dog training opportunities exists within the Parkway. The Integrated Plan continues these opportunities as well as opportunities to consolidate dog training both on land and in water to an area where a special use permit would not be required and that would be usable to a greater number of dog owners.

NEED:
**Provide for Specific
Recreation
Opportunities**

The Integrated Plan includes specific recreation opportunities that are dependent on the waters of Coyote Creek and the ponds contained within its floodplain. With an emphasis on day-use recreation these opportunities include fishing, swimming (see above), and non-powered boating both on the creek and within adjacent ponds. Waterskiing on the Coyote Percolation Pond will be allowed to continue. Expanding the existing disc golf area near Hellyer Park will be evaluated.

NEED:
**Preserve Natural
Resources / Educate
the Public about Park
Resources and Park
Stewardship**

Because of its length and continuity, the Coyote Creek corridor and its riparian resources are of regional significance. Without the conservation and stewardship of these resources, the quality of Parkway recreation and outdoor educational experiences diminishes. The Integrated Plan includes resource management objectives to enhance the existing creek character to support an anadromous fishery, develop a continuous riparian wildlife corridor along the creek, and enhance upland habitats around the creek corridor. These programs would benefit both resident species, some of which are endangered, and migratory waterfowl. This includes the creation of new riparian habitats to connect areas of natural vegetation currently separated by abandoned sand and gravel areas or other disturbed or developed landscapes. One aspect of the resource management program will be to site future uses and facilities away from sensitive resource areas, emphasizing recreation use and wildlife compatibility, that in turn enhances overall habitat viability.

NEED:
**Provide Accessible
Regional Recreation
Opportunities**

Recreation close to home and work is important. The more regional parks and recreation facilities can be considered part of a seamless experience that begins at home or at places of work the more these facilities will be used. The

Parkway has been recognized in the Strategic Plan as potentially one of the more popular regional parks in the Santa Clara County Park system. Community trail access will be provided to the Parkway from both the City of Morgan Hill and the City of San Jose. Additional trail access and staging areas will be coordinated with mass-transit routes where possible.

**NEED:
Provide Trail Links
To and Between
Regional Parks**

There are five Regional, Sub-regional, and Connector trails that are identified in the Trails Master Plan that intersect with the Coyote Creek Trail and link it to nearby regional parks and open space areas. These trail connections are part of the Integrated Plan.

**NEED:
Hours of Operation**

Generally, existing regional parks are managed for day use from 8 AM to sunset. It has not been demonstrated that a compelling necessity exists to extend normal day-use hours of operation within the Integrated Plan.

**NEED:
Maintenance and
Stewardship**

A significant contribution to the Parkway visitor's experience is the quality of the intrinsic landscape of the Parkway and the recreation facilities within it. Staffing levels that will ultimately be needed for continuing maintenance and stewardship programs to keep pace with an ever-increasing use of the Parkway are recommended in the Integrated Plan.

**NEED:
Balance Park Use**

The Parkway and its 15-mile-long trail remain unknown to many potential users. Conversely, the Live Oak and Toyon Group Areas located within the immediate riparian zone of the creek are estimated to be operating at or near capacity. Public information programs and signage, along with the development of additional group use areas, are included in the Integrated Plan to better disperse use throughout the Parkway to locations where the impact on natural resources can be minimized.

**NEED:
Provide a Sense of
Safety**

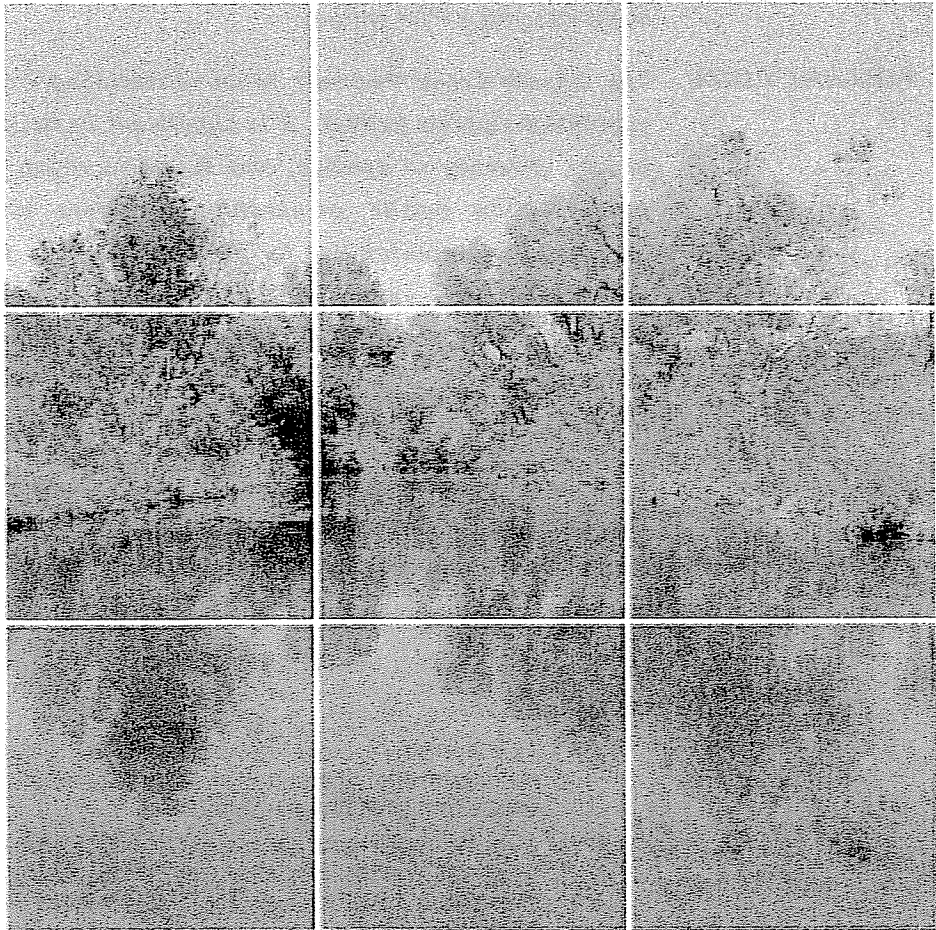
For many park visitors, there is a perception that a well-maintained park produces a heightened sense of safety and a greater sense of a quality recreation experience. The Integrated Plan includes the identification of a phased increase in staffing tied to new resource management activities and improvements to continue the service levels for maintenance of both park facilities and the natural Parkway environment.

**NEED:
Cooperate with
Others**

Though the County owns the Parkway lands around Coyote Creek, the control of creek waters is the responsibility of the SCVWD. Most resource management activities and recreation improvements that the Department could anticipate will require cooperation and permits from a variety of regulatory agencies. Cooperation among agencies and recreation interests is critical to realizing the Integrated Plan. Additionally, there is a wealth of interest about potential agency partnerships and user-group and volunteer assistance that, collectively, could be paired to fund, provide, and manage many Parkway programs. The Parkway partners that could assist the Department in implementing both resource management and recreation programs include, but are not limited to, the following:

- Santa Clara County Open Space Authority
- Santa Clara Valley Water District
- Santa Clara Valley Transportation Authority
- California Department of Fish and Game
- US Fish and Wildlife Service
- NOAA National Marine Fisheries Service
- Regional Water Quality Control Board
- City of San Jose
- City of Morgan Hill

4.0 Guidelines Goals and Objectives



4.1 THEME AND VISION

Coyote Creek, its stream zone and riparian floodplain, surrounding freshwater ponds and wetlands, and nearby uplands are the recreational soul of the Parkway. The vitality of the wetland and riparian habitat resources associated with the Parkway corridor and the opportunities to enhance those resources are its heart and lungs. It is these resources that make the Parkway so enjoyable and so important as a Countywide resource. It is these resources that, while providing habitat to a variety of fish and wildlife, also provide a cool microclimate that draws humans toward it. Trails and related facilities that bring people to and along the Parkway, and the recreation and educational uses that are

programmed for the Parkway, should be balanced with these resources so as not to jeopardize the health and vigor of its landscape.

The following vision and fundamental guidelines provide direction for all aspects of the Integrated Plan program.

PARKWAY VISION

The Coyote Creek Parkway is an outstanding example of a regionally significant riparian habitat. It is significant in its physical scope, natural beauty, diversity of species, and extent to which the corridor has been preserved in public ownership. It offers unique recreation and interpretation opportunities for all park visitors. Resource conservation and stewardship values will guide management and development to assure the sustenance of a quality riparian wildlife corridor both now and in the future.

4.2 FUNDAMENTAL GUIDELINES

The following fundamental planning guidelines for the Parkway direct the natural resources management (NRM) and the public recreation (PR) components of the Integrated Plan.

**NATURAL
RESOURCE
MANAGEMENT
(NRM)**

NRM Guideline #1: In cooperation with a variety of partner agencies and interest groups:

- The Parkway's creek, groundwater, and biological resources shall be managed and enhanced to encourage native bio-diversity, preserve resources, and protect habitats.
- Coyote Creek and its natural floodplain should be restored, to the greatest extent practical, to allow for stable hydro-geomorphic processes beneficial to the preservation of a sustainable riparian habitat corridor.
- Sufficient buffer areas between adjacent land uses and the riparian habitat corridor shall be provided to protect and preserve the Vision of the Parkway.
- Functioning habitat corridors that connect the Parkway with the surrounding hills and open spaces should be identified, established, and maintained.
- Collaboration efforts should occur to obtain adequate protection and funding for the initiation and long-term administration of natural resource management programs in the Parkway.

NRM Guideline #2: A continuous, multi-tiered, riparian wildlife corridor along Coyote Creek shall be established through the Parkway. The corridor would provide nesting, rearing, and foraging areas for wildlife species that depend upon or use the creek, including threatened or endangered species.

NRM Guideline #3: The natural resources of Coyote Creek should be enhanced through active stewardship programs and adaptive management strategies based upon the most current and reliable scientific information.

NRM Guideline #4: Adjacent lands that would benefit a stable stream hydrology, serve as a buffer between differing land uses, offer unique parkland opportunities, or enhance the existing park should be identified for potential future acquisition and inclusion within it.

**PUBLIC RECREATION
(PR)**

PR Guideline #1: Using the County Park's Parkland Classification System, a framework of parkland classes shall be established for the Parkway that guides recreational development and use in the park.

PR Guideline #2: A continuous, multi-use trail system should be retained along the Parkway.

PR Guideline #3: Existing recreational opportunities in the Parkway should be retained where feasible and balanced with resource conservation efforts. Emphasis should be placed upon day-use activities, with defined access points. Water-oriented outdoor recreation opportunities may be considered.

PR Guideline #4: The Parkway shall provide an interconnected system of recreational facilities, and interpretive opportunities of regional significance that:

- Are directly related to or benefit from, the natural, cultural, or historic resources of the Parkway.
- Will foster education and research about the ecology of the Coyote Creek riparian wildlife corridor and the need to steward the creek's natural resources.

PR Guideline #5: Cooperation shall be encouraged with partner agencies, non-profit organizations, and recreation interest groups to provide outdoor recreation, education and interpretation uses and facilities to meet the goals of the County Park system and, where possible, the mutual goals of these agencies and organizations.

4.3 GOALS AND OBJECTIVES

Table 1 summarizes the goals and objectives, keyed to the Fundamental Guidelines that form the basis for the Integrated Plan. The Integrated Plan described in Section 6.0 directly responds to these guidelines, goals, and objectives.

TABLE 1: Goals and Objectives

NATURAL RESOURCE MANAGEMENT PROGRAM

Goal NRM-1	Restore a functional floodplain along Coyote Creek, to the greatest extent practical, to allow for stable hydro-geomorphic processes beneficial to the preservation of a sustainable riparian habitat corridor. (NRM Guidelines #1, #2, and #4)
Objective NRM-1.1	Cooperate with the Santa Clara County Water District in its programs to re-establish natural channel functions consistent with the Integrated Plan.
Objective NRM-1.2	Identify and establish Parkway use area and facility setback zones from Coyote Creek.
Goal NRM-2	Preserve, and where appropriate, enhance hydrologic connectivity through the creek channel, riparian habitat corridor, and adjacent natural areas. (NRM Guidelines #1, #3, and #4)
Objective NRM-2.1	In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its efforts to remove in-stream structures, such as low-flow road crossings, that act as fish passage barriers in Coyote Creek.
Objective NRM-2.2	In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its efforts to construct a channel with a floodplain through Ogier Ponds and a channel through the Coyote Percolation Pond / Parkway Lakes complex. (Note: this is a SCVWD lead agency project)
Objective NRM-2.3	In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its programs to repair headcuts and other severe erosion features.
Objective NRM-2.4	In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its programs to maintain or improve flood conveyance, especially for high-recurrence events.
Objective NRM-2.5	Identify, protect, and where necessary propose acquisition of adjacent areas where riparian buffers should be enhanced and/or increased to promote stream stability and habitat connectivity.
Objective NRM-2.6	Relocate trails / roads that are causing or exacerbating severe erosion in Coyote Creek.
Goal NRM-3	Encourage the Santa Clara Valley Water District's management of the Parkway's creek and ground water resources to maintain and enhance native biodiversity. (NRM Guidelines #1, #2, and #3)
Objective NRM-3.1	Maintain historic groundwater levels to retain perennial and seasonal wetland areas. (Note: this is a SCVWD lead agency project)
Goal NRM-4	Preserve, and where appropriate, enhance a continuous, multi-tiered riparian habitat corridor with dynamic physical processes that promotes native biodiversity and supports threatened and endangered species. (NRM Guidelines #1 and #2)
Objective NRM-4.1	Restore natural floodplain functions.
Objective NRM-4.2	Define and delineate a continuous riparian habitat corridor.
Objective NRM-4.3	Eradicate or control key non-native invasive plants.
Objective NRM-4.4	Control key non-native wildlife species.
Objective NRM-4.5	Restore in-stream habitat complexity and structure (e.g. woody debris, pools, etc.).
Objective NRM-4.6	Where appropriate, restore understory and canopy riparian vegetation to increase corridor width, continuity, and shade cover.
Objective NRM-4.7	Where appropriate, restore upland vegetation to complement the riparian habitat corridor.
Objective NRM-4.8	Identify potential mitigation sites.

TABLE 1: Goals and Objectives (continued)

Goal NRM-5	Preserve and enhance wildlife linkages through the riparian habitat corridor and to adjacent natural areas for the benefit of native biodiversity and support threatened and endangered species. (NRM Guidelines #2, #3, and #4)
Objective NRM-5.1	Encourage riparian setbacks for future Parkway development and/or propose acquisition of adjacent areas of upland habitat to increase the width of the riparian buffer from the edge of the creek on each side of the channel.
Objective NRM-5.2	Through use setbacks, site new Parkway use areas and facilities to allow for an undisturbed riparian habitat corridor.
Objective NRM-5.3	Propose acquisition of adjacent lands or conservation easements in upland habitat areas to link Coyote Creek Parkway to adjacent natural areas (primarily in the southern Parkway).
Objective NRM-5.4	Where feasible, remove/relocate existing Parkway recreation improvements to not restrict wildlife movement or pose hazards to wildlife movement along the Parkway.
Goal NRM-6	Protect, and where appropriate, enhance upland habitats to promote native biodiversity and support threatened and endangered species. (NRM Guideline #3)
Objective NRM-6.1	Protect, and where appropriate, enhance grassland habitat.
Objective NRM-6.2	Protect, and where appropriate, enhance chaparral/scrub habitat.
Objective NRM-6.3	Protect, and where appropriate, enhance oak woodland habitat.
Objective NRM-6.4	Protect, and where appropriate, enhance populations of specific special-status species.

PUBLIC ACCESS AND USE MASTER PLAN PROGRAM

Goal PR-1	Consistent with resource programs, retain existing recreational use areas and facilities where feasible. (PR Guidelines #1, #2, and #3)
Objective PR-1.1	Retain and enhance, where appropriate, existing recreation opportunities provided by lessees and permittees.
Objective PR-1.2	Retain and, where appropriate, relocate specialty dog-use areas to enhance a riparian habitat corridor.
Goal PR-2	Enhance the multi-use trail system of the Parkway while providing manageable access points. (PR Guideline #2)
Objective PR-2.1	Re-establish a designated equestrian trail between the Silver Creek Staging Area and the connection with the planned Llagas Creek Trail.
Objective PR-2.2	To the extent practical, relocate all components (bicycling, hiking and equestrian use) of the Coyote Creek Trail to one side of the creek.
Objective PR-2.3	Provide additional trail staging areas to encourage trail use and accommodate growth.
Objective PR-2.4	Provide connections to Regional, Sub-regional, and Connector trails as identified on the Countywide Trails Master Plan.
Objective PR-2.5	Provide connections to the Cross County Bicycle Corridor
Objective PR-2.6	Provide connections to local trail systems.
Objective PR-2.7	Where feasible, upgrade the existing Coyote Creek Trail to meet County guidelines for multi-use trails.
Objective PR-2.8	Where feasible, relocate the Coyote Creek Trail outside the Coyote Creek floodplain.
Objective PR-2.9	Provide trail-related amenities.
Objective PR-2.10	Provide loop and point access trails accessed from staging areas and other developed use areas.
Objective PR-2.11	Enhance the trail connection between the Toyon and Live Oak Group Areas.
Goal PR-3	Provide water-based outdoor recreation opportunities. (PR Guidelines #2 and #4)
Objective PR-3.1	Develop a Coyote Creek canoe / kayak trail.

TABLE 1: Goals and Objectives (continued)

Objective PR-3.2	Maintain the existing Coyote Creek fishing program and tailor it in the future to reflect changes in the fishery.
Objective PR-3.3	Provide access to off-creek ponds for non-motorized boating.
Objective PR-3.4	Provide an off-creek regional swimming facility located in a natural setting.
Goal PR-4	Provide additional high-demand regional recreation opportunities that would support use of the Parkway and the Coyote Creek Trail system. (PR Guidelines #1, #2, and #4)
Objective PR-4.1	Provide easily accessible group and family picnic areas.
Objective PR-4.2	Identify areas that are suitable for multi-purpose active recreation use.
Goal PR-5	Maintain opportunities for the Parkway user to experience a sense of remoteness within the context of a rural riparian habitat corridor. (NRM Guidelines #2)
Objective PR-5.1	Develop a standardized Parkway sign program.
Objective PR-5.2	Locate new trails as far away from occupied dwellings as practical.

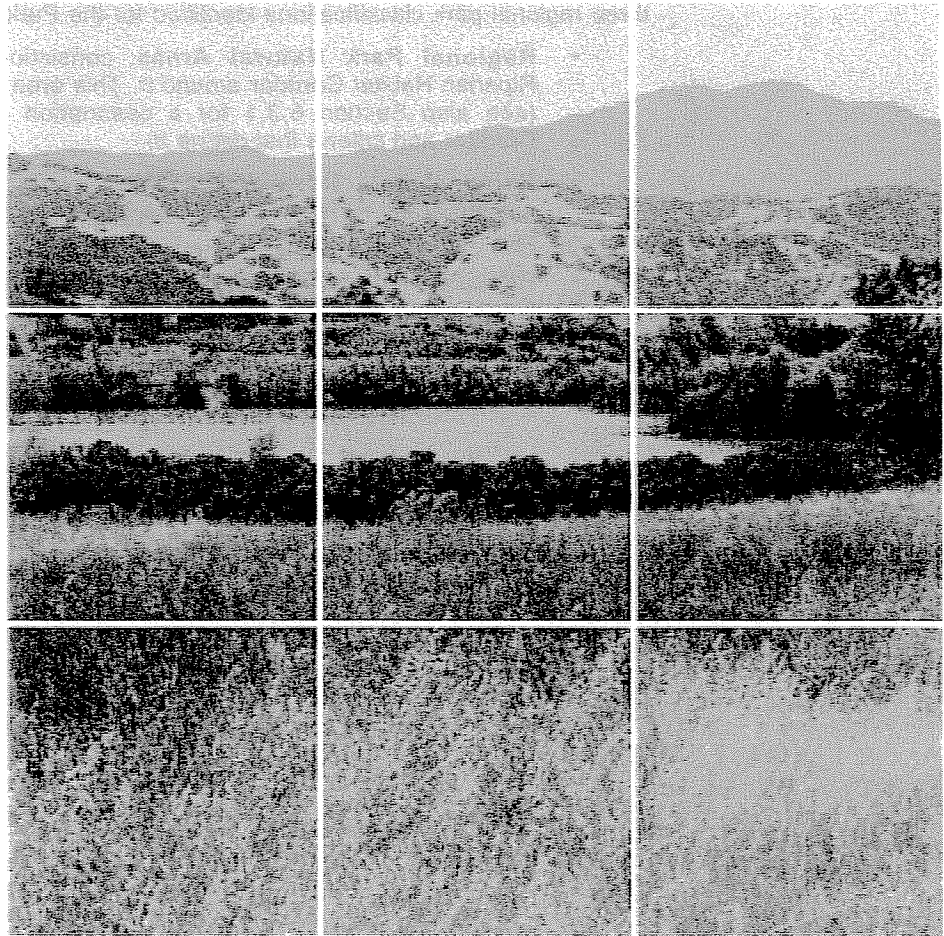
AGRICULTURAL AND HISTORICAL PROGRAMS

Goal PR-6	Preserve significant archaeological, historical, and cultural sites. (PR Guidelines #1, #4, and #5)
Objective PR-6.1	Restore all, or portions of, the Malaguerra Winery.
Objective PR-6.2	Retain the historical character of the Coyote Ranch and lease area.
Objective PR-6.3	Preserve viable agricultural soils and, where appropriate, encourage agriculture within selected areas of the Parkway and to buffer Parkway uses from other land uses.
Goal PR-7	Interpret the natural and cultural resources of the Coyote Creek Parkway such that the creek's role and importance of its riparian habitat is appropriately recognized in the context of the County and region. (PR Guideline #4)
Objective PR-7.1	Interpret the role of the Malaguerra Winery in light of the settlement history of the Coyote Valley.
Objective PR-7.2	Develop a Coyote Creek Interpretive and Education Center.
Objective PR-7.3	In cooperation with the California Department of Fish and Game and others, establish a Watchable Wildlife Program and related facilities.
Objective PR-7.4	In cooperation with the National Park Service, interpret the story of the de Anza expedition along those portions of the Coyote Creek Trail designated as a component of the Juan Bautista de Anza National Historic Trail system
Objective PR-7.5	Develop an interpretive program and provide interpretive signage along the Coyote Creek Trail.

MANAGEMENT AND PARTNERSHIP PROGRAMS

Goal PR-8	Enhance boundary management
Objective PR-8.1	In cooperation with adjacent property owners, include boundary fencing and signs in the Parkway.
Goal PR-9	Provide adequate resources to ensure Staff can provide service that is competent, friendly, well-funded, and excellent. (NRM Guideline #1 and PR Guideline #4)
Objective PR-9.1	Add staffing and other management resources commensurate with Parkway improvements as necessary.
Goal PR-10	Coordinate implementation of Integrated Plan options with potential Parkway partners. (NRM Guideline #1 and PR Guideline #5)
Objective PR-10.1	Identify Integrated Plan programs that would benefit from support or require regulatory compliance in advance of Plan adoption.

5.0 Parkway Classification



The Santa Clara County Parks and Recreation Department is charged with the dual mission of protecting and preserving the natural and historic resources of the County Park system and of providing recreation opportunities and facilities for public use. County Park resources present a variety of high quality recreational, social, interpretive, conservation, and cultural opportunities. The classification of regional parks provides a framework within which system-wide use and management strategies may be applied for the programming, orderly development, and use of regional parks.

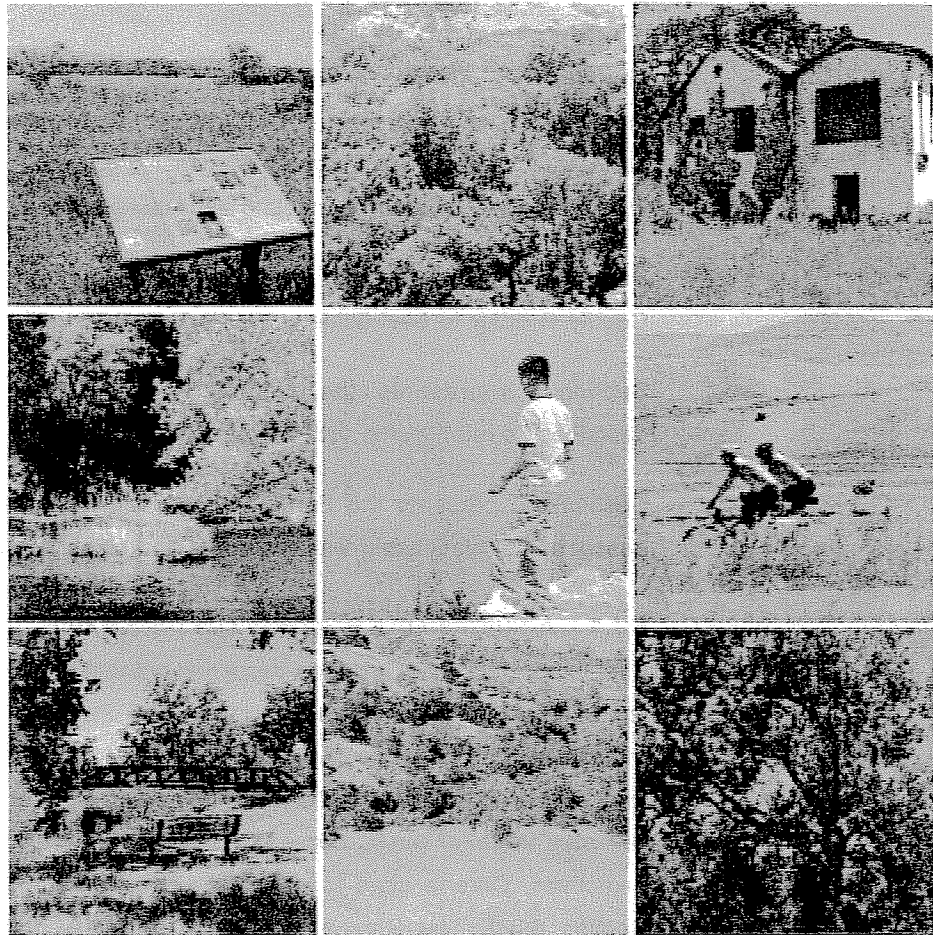
The Park Classification system used by the Department is based on its Vision Statement and involves five categories of regional park use throughout Santa Clara County that were developed as part of the Parks Department's Strategic Plan process. Attachment 1 presents the general characteristics of each Regional Park classification that apply to the Parkway. Figure 4 delineates the three regional park classifications identified for the Parkway. These are:

- **Regional Park Natural Areas:** consisting of the creek and the Riparian Habitat Corridor around it. This area is illustrated in Figure 3. (see also Section 6.3.1 for a description of the Riparian Habitat Corridor and criteria that define it)
- **Regional Park Rural Recreation Areas:** lands generally located outside of the Riparian Habitat Corridor. These areas are illustrated in Figure 4.
- **Regional Historic Sites:** lands that may include the Riparian Habitat Corridor but where active use areas are located outside of it. These areas are also illustrated in Figure 4.

6.0 The Integrated Plan

PARKWAY VISION

The Coyote Creek Parkway is an outstanding example of a regionally significant riparian habitat. It is significant in its physical scope, natural beauty, diversity of species, and extent to which the corridor has been preserved in public ownership. It offers unique recreation and interpretation opportunities for all park visitors. Resource conservation and stewardship values will guide management and development to assure the sustenance of a quality riparian habitat corridor both now and in the future



6.1 PREMISES

The Integrated Plan encompasses planning for both natural resources and public use. It is a comprehensive, long-term plan for management of the Coyote Creek Parkway as a valuable natural and recreational resource, unique to the County. The Integrated Plan details how to manage the Parkway over a 10- to 20-year timeframe in order to facilitate public access and provide the quality outdoor recreation experience sought by Parkway users, while at the same timing enhancing the habitat resources of the Parkway most effectively.

Figure 5 provides an overview of the Integrated Plan for the Coyote Creek Parkway County Park. Illustrated are: the existing County Park; proposed expansion areas that would create a viable Riparian Habitat Corridor; existing and proposed use areas; and the existing and proposed alignments of the Coyote Creek Trail.

The strategies developed to implement the Integrated Plan are consistent with the Mission of the Parks Department and, where applicable, promote partnership with other interested agencies to achieve implementation. The Integrated Plan lays out immediate and future actions.

Section 6.2 addresses the needs for expanding the Parkway consistent with County in order to best achieve the Parkway Vision.

Section 6.3 presents the Natural Resource Management Program and describes its relationship with the goals and objectives outlined in Section 4.3.

Section 6.4 presents the Public Access and Use Master Plan Program and describes its relationship with the goals and objectives outlined in Section 4.3.

6.1.1 A SUSTAINABLE PARKWAY AND THE RIPARIAN HABITAT CORRIDOR

The Integrated Plan includes resource management, public access, and use improvement activities that will implement the Parkway Vision. A hallmark of the Integrated Plan in achieving the Parkway Vision is the designation, creation, and stewardship of a sustainable Riparian Habitat Corridor with sufficient setbacks to buffer public access consistent with the Integrated Plan goals and objectives. Criteria used to define the Riparian Habitat Corridor are found in Section 6.3.1. The Riparian Habitat Corridor is planned to occur both on existing Parkway lands and within future expansion lands to be acquired (see also Section 6.2).

6.1.2 INDIVIDUAL RECREATION AREAS WITHIN A PARKWAY

In terms of public access, recreation, and education facility improvements, the Parkway may be considered, in essence, as a linear Riparian Habitat Corridor with a series of individual rural recreation use areas tied together by the Coyote Creek Parkway trail system. Each use area may be viewed by itself in terms of potential uses and improvements that might take place within it.

6.1.3 A SENSE OF REMOTENESS

The configuration of use areas and Parkway trails emphasizes opportunities for the Parkway user to experience a sense of remoteness within the context of a Riparian Habitat Corridor and rural landscape. To this end, the Perry's Hill Recreation Area, with its size and proximity to Highway 101, is planned to become a focal point for regional access within the Integrated Plan. This emphasis allows dispersion of additional facility improvements and uses throughout other recreation areas within the Parkway such that they will not be overdeveloped, will remain relatively low-key, and emphasize local access to the Parkway trail system.

6.1.4 COUNTYWIDE SIGNIFICANCE

Seven criteria used by the Department to help determine what regional park resources, facility improvements, and activities would be of Countywide significance are:

Cultural Characteristics	Use Characteristics	Physical Characteristics
- Historic Value	- Demand	- Size of Area
	- Accessibility	- Resources
	- Uniqueness of Use	
	- Regional Appeal	

Further descriptions of these criteria can be found in the Strategic Plan. All existing facilities and uses within the Parkway and those proposed to be included within it meet one or more of these criteria, whether they are operated by the Department or offered to the general public through leases and permits.

6.2 PARKWAY EXPANSION

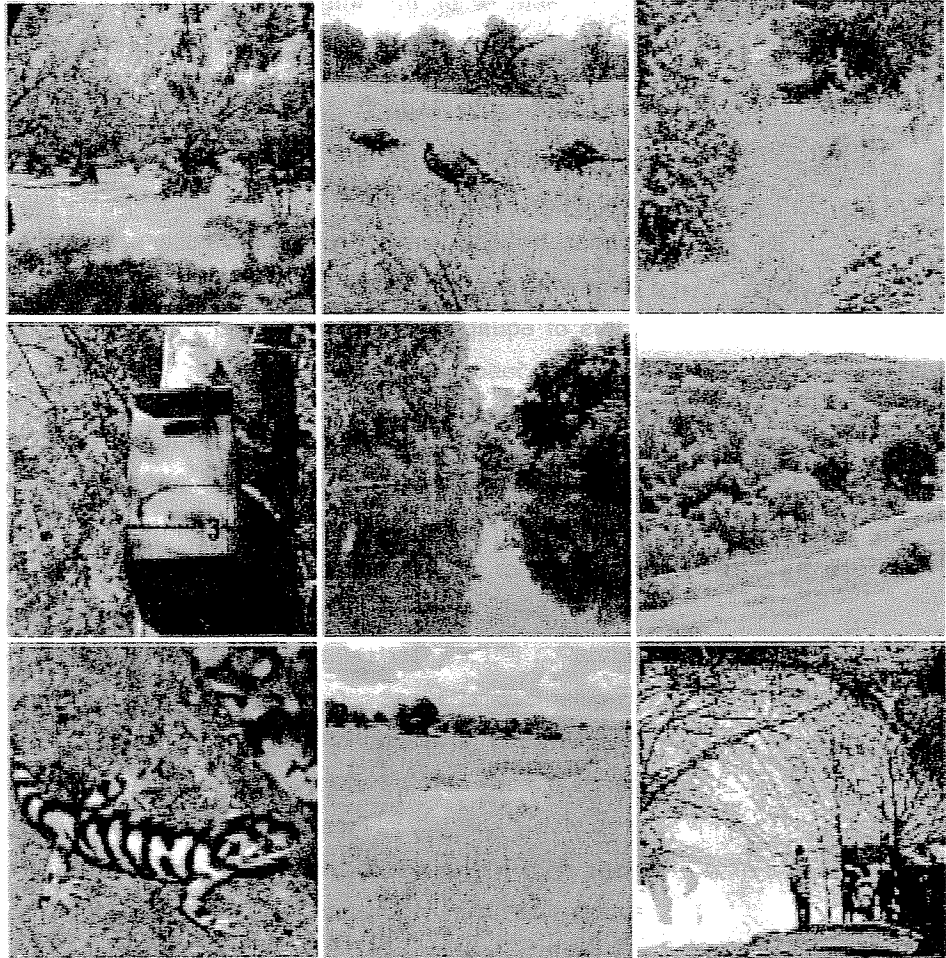
The Integrated Plan presents a two-tiered approach for managing the Parkway resources and developing facilities to support public use and enjoyment of those resources.

The first tier involves immediate resource management actions and a palette of use area and trail improvements that could occur within existing Parkway lands. With the exception of the Parkway trail system, the proposed Rural Recreation Areas and uses within them would generally accommodate most of the regional recreation needs identified in the goals and objectives for the Parkway.

The second tier involves a long-range vision for stewardship of the Parkway's riparian habitat resources and creation of the Parkway trail system that could best serve a growing population while protecting riparian habitat resources as well as providing increased recreation opportunities involves expanding the Parkway. The second tier of the Integrated Plan proposes Parkway expansion to attain a sustainable Riparian Habitat Corridor and, in selected areas, to realign sections of the Coyote Creek Trail.

Expansion of the Riparian Habitat Corridor along many sections of the Parkway could be achieved by working with adjacent property owners through conservation easements. This is particularly pertinent to areas downstream from Metcalf Road where land uses are established and the quilt of property ownership is complex.

Expansion of the Parkway through acquisition will only be achieved with the participation of willing sellers and conducted in accordance with the policies of the Board of Supervisors adopted in April, 1990 and as outlined in the *Santa Clara County Trails Master Plan Update*, an element of the County General Plan, adopted in November, 1995 (see Attachment 2). It is recognized that expansion of the Parkway will involve negotiations with adjacent property owners, and as such, may take many years to accomplish. Expansion of the Parkway will also be an expensive undertaking and could likely be dependent on a variety of partnerships for funding.



6.3 NATURAL RESOURCE MANAGEMENT PROGRAM

There are three inter-related aspects that form the basis of the Natural Resource Management Program. These are:

- **Riparian Habitat Corridor (see section 6.3.1):** that defines viable habitat areas to be protected and enhanced within the Parkway and around which public access and use is directed.
- **Resource Management Actions and Priorities (see section 6.3.2):** that outlines a full program of resource management activities, priorities and potential partners.
- **Resource Management Zones (see section 6.3.4):** that divide the Parkway into specific areas for resource protection, enhancement, and, where appropriate, expansion.

How the Natural Resource Management Plan responds to the individual goals and objectives of the Integrated Plan for the Parkway's hydrologic and biological resources (see Section 4.0) are summarized in Section 6.3.4.

6.3.1 RIPARIAN HABITAT CORRIDOR

A key component of the Integrated Plan is establishing, over time, a sustainable Riparian Habitat Corridor along the Parkway. Figure 3 presents the Riparian Habitat Corridor within the existing Parkway boundaries and where Parkway expansion would benefit achieving a continuous corridor. Five key factors of equal weighting were used to define the Riparian Habitat Corridor. These are described below.

1. Existing Riparian Vegetation Limits -- Vegetation in the riparian area provides a variety of conditions and functions necessary for biological communities to thrive. Continuity of vegetation is one of the more critical characteristics of an ecologically healthy stream corridor because the functions of the riparian corridor are uninterrupted when vegetation is continuous. Vegetation is an important source of energy input into the food web, provides essential habitat to aquatic and terrestrial organisms, and provides thermal protection and regulation of stream water temperature. A continuous stand of riparian canopy and understory also contributes to in-stream habitat complexity by providing a steady source of woody debris that falls into the stream. Woody debris on the forest floor provides habitat for a variety of insects, amphibians, reptiles and small mammals and birds as well as a surface for seedlings to become established.

The extent of the riparian vegetation for the Coyote Creek Parkway was determined based on the land cover type mapping conducted by the Department, using the Sawyer and Keeler-Wolf system of vegetative categorization (Sawyer and Keeler-Wolf, 1995). The 39 land cover categories identified in the Parks Department map were evaluated to identify cover types classified as riparian (e.g., California sycamore, arroyo willow, mulefat), and/or cover types that occur in association with riparian vegetation (e.g., open water, freshwater emergent wetland). The occurrence of non-native species (e.g., giant reed) found in areas dominated by native riparian species were also evaluated. In most cases the outermost extent of these land cover types was used to delineate the band of existing riparian vegetation. Stands of riparian vegetation (e.g., California sycamore, coast live oak) located more than 200

feet from the main habitat corridor were not included within the riparian corridor boundary as these stands are either relics of previous hydrologic regimes, associated with other drainage features, or are presumed to be horticultural varieties. Large open water features such as the lakes and quarry ponds were included within the boundary as many of these features currently support riparian vegetation (along the shorelines), and historically supported riparian vegetation prior to modification.

2. Natural Levee Soils - Within the Coyote Creek watershed, the Garretson Series (Ga), Cortina Series (Co), and Riverwash (Rg) soils indicate areas of historical channel and near-channel floodplain deposition. These soils were grouped together to form a zone that represents natural levee soils. These soils are generally composed of a combination of loam, sand, and gravel that is unique to the near-channel environment (Lindsey, 1974). Natural levee soils are one of the most important features that distinguishes upper versus lower valley floor vegetation along Coyote Creek, identifies those areas that are connected to the riparian zone regime, and offers a geomorphic guide for future floodplain restoration projects.

These soils represent valuable non-renewable resources in the Coyote Creek watershed. Since the construction of the Anderson and Coyote Dams, the transport and deposition of coarse alluvium has been significantly reduced along the corridor.

3. Suitable Upland Habitat for Selected Special Status Species – Upland habitat can provide a critical habitat linkage for aquatic species.

- **California red-legged frog** - Data on migration rates of CRLF (based on studies in Scott Creek in Santa Cruz County) indicate that more than 75% of the adult population is resident at permanent aquatic sites over the course of a year; 90% of frogs that were not migrating between aquatic sites remained within 60 meters (197 feet) of water at all times with the farthest any non-migrating frog moved from water being 130 meters (427 feet) (Bulger et al. 2003). Based on this data and the recommendations of Bulger et al. 2003 (funded and reviewed by USFWS), the movement corridor for California red-legged frog has been defined to be within 100 meters (328 feet) of Coyote Creek and wetted ponds within the Parkway.
- **Western pond turtle** – Pond turtles exhibit a high degree of site fidelity, in both aquatic and terrestrial environments. In lentic environments (standing water, such as a lake or pond), pond turtles often overwinter underwater, buried in mud; however, in lotic environments (running water, such as streams or rivers), complete departure from the aquatic environment is the norm (Reese 1996, Goodman 1997). These turtles leave the watercourse in the fall to

overwinter burrowed in duff or soil. This may represent an adaptive response to the high flow conditions of winter in riverine systems. It has been determined the average distance of overwintering sites from the watercourse to be 167 meters (550 feet) (Reese 1996). Nesting has been reported to occur up to 402 meters (1,391 feet) from water (Jennings and Hayes 1994), but is usually closer, averaging 28 meters (92 feet) from aquatic habitat (Rathbun et al. 2002). Based on this data, the movement corridor for Western pond turtle has been defined to be within 167 meters (550 feet) of Coyote Creek and within 30 meters (100 feet) of the Ogier Ponds and Parkway Lakes.

- **California tiger salamander** - Loredó et al. (1996) found that tiger salamanders may use burrows that are first encountered during movements from breeding to upland sites. In their study area, where the density of California ground squirrel burrows was high, the average migration distances between breeding and refuge sites for adults and juveniles was 118 feet (35.9 m) and 85 feet (26.0 m), respectively. Therefore, although salamanders may migrate up to 1 mile, migration distances are likely to be less in areas supporting refugia closer to breeding sites.

4. Minimum Wildlife Movement Corridor – Riparian corridors serve as important connectors between fragmented habitats. Wildlife may use these habitats during different life stages and travel along these corridors at different times of the year. Without these corridors, fragmentation of ecosystems may occur with an adverse impact to the geographic distribution of species that are dependent on these corridors for movement through vital habitats. Reduction in the quantity and quality of riparian areas may also reduce the population and geographic distribution of migratory and resident bird populations. The minimum functional width for a viable movement corridor (in this case, assumed to be a width that does not stress the animal and provides some basic trophic/food web functions and protection from predators) can vary significantly depending on site-specific conditions.

Preferred corridor widths would allow for a single home range of species within the Parkway, which would translate to a minimum corridor width for bobcats of 2.5 kilometers (1 mile) and a minimum width of 12 kilometers (5.5 miles) for mountain lion (Harrison 1992). Within the Coyote Creek Valley, such a corridor width is not feasible. However, the width of an urban wildlife crossing is ultimately related to its length and the equivalent stress applied to each species. A functioning crossing can be narrow, if it is short (Harrison 1992). As observed in the Santa Ana Mountains, passageways used by a mountain lion had been as narrow as a 1.8-meter (6 feet) box culvert when no more than 15 meters (50 feet) in length and juvenile mountain lions used a 2.6 by 3.3-meter

(8 by 10-foot) box culvert that was 200 meters (656 feet) in length (LSA Associates 2003). While movement is possible through smaller corridors, such as the riparian corridors of many tributaries of Coyote Creek, a minimum viable corridor width for wildlife movement has been shown to be 500 feet (Ogden 1992). The Movement Corridor was defined as 500 feet from the edge of bank, on each side of Coyote Creek, in order to provide complete function for terrestrial wildlife and some basic functions for avian species.

5. Meander Belt Zone (Geomorphology) – The purpose of measuring meander belt widths along Coyote Creek is to identify creek migration pathways and areas that may be prone to erosion. Assuming predominantly stable watershed conditions, the width of the meander belt will remain relatively constant over time; however, creek meanders that are located in an unconfined (and non-cohesive) environment are intrinsically dynamic and have a tendency to migrate in the downstream direction.

A meander belt width analysis was conducted for multiple reaches of Coyote Creek within the Parkway. A total of ten reaches was designated along Coyote Creek based on the orientation of the creek channel on the valley floor. Meander belt widths were calculated for each reach and varied from 320 to 2,780 feet, with an average of 850 feet.

The meander belt widths designated for the Coyote Creek Parkway characterize an expected migration corridor under a pre-dam hydraulic regime. Due to the control of flows since the construction of the dams, it is likely that these meander belt widths represent a maximum estimate of potential meander migration under current conditions.

6.3.2 RESOURCE MANAGEMENT ACTIONS AND PRIORITIES

Riparian habitats are the heart of the Coyote Creek Parkway and provide a vast array of functions that define much of the physical and biological character of the Parkway. While anthropogenic actions have altered these areas over time, the biological and geomorphic functions have not changed, resulting in conflicts. These conflicts are manifested in such events as flooding, channel avulsion, and loss of habitat, all of which degrade the natural character of the Parkway and its surrounding environment. Most natural resource management in the Parkway will be focused in the Riparian Habitat Corridor and related

upland habitats within the identified Natural Areas of the Parkway. Management in riparian corridors will focus on maintaining and enhancing habitat for native and special status species.

Table 2 summarizes resource management actions to occur within the Parkway area, priorities associated with each activity, and potential partners that may be involved in either the implementation, permitting, or funding of each action.

TABLE 2: Resource Management Actions and Priorities

Goals and Objectives		Factors				Timing	Location	Priority*	Potential Partners**
		Lead Agency	Action	Management Zone					
GOAL NRM-4 Riparian Habitat Corridor									
Objective 4.1: Restore Natural floodplain functions.	Santa Clara County Parks Department	Evaluate all current crossings of Coyote Creek for flood conveyance	Riparian Habitat Corridor	Year One	Throughout Parkway	Moderate	- SCVWD - CDF&G		
	Santa Clara County Parks Department	Develop criteria to apply to future proposed crossings of Coyote Creek	Riparian Habitat Corridor	Year One	TBD	High	- SCVWD - CDF&G - NOAA Fisheries - CALTRANS		
	Santa Clara County Parks Department	Identify and prioritize low quality wetlands for restoration or areas for potential wetland creation.	Riparian Habitat Corridor	Year One	TBD	High (Restoration) Low (Creation)	- USACE - SCVWD - City of San Jose - Santa Clara Valley HCP/NCCP		
	Santa Clara Valley Water District	Facilitate, coordinate, and monitor, as necessary, SCVWD in implementation of FAHCE agreement.	Riparian Habitat Corridor	Ongoing	Throughout Parkway (focus on Ogier Ponds and Parkway Lakes)	High	-Santa Clara County Parks		
Objective 4.2: Define and delineate a continuous Riparian Habitat Corridor.	Santa Clara County Parks Department	Additional coordination and integration with the County Planning Office's development of their Riparian Corridor Ordinance and SCVWD's 83-2 Ordinance Update	Riparian Habitat Corridor	Complete	N/A	N/A	- Santa Clara County Planning Office - SCVWD (Water Collaborative)		
Objective 4.3: Eradicate or control key non-native, invasive plants.	Santa Clara County Parks Department	Yellow star thistle eradication program	All Zones	Ongoing	All areas mapped by Parks staff.	High	- Santa Clara County Division of Agriculture		
	Santa Clara County Parks Department	Identify, map, and prioritize for control or eradication all invasive exotic plant species within the Parkway	All Zones	Ongoing	Entire Parkway	High	- SCVWD - Santa Clara Valley HCP/NCCP		
	Santa Clara County Parks Department	Native plant revegetation of all areas where non-native plant removal is necessary.	Riparian Habitat Corridor All Upland Zones	Ongoing	All areas of non-native plant eradication not identified above.	High	- FAHCE - SCVWD - CALTRANS - City of San Jose		

TABLE 2: Resource Management Actions and Priorities (continued)

Goals and Objectives	Factors						
	Lead Agency	Action	Management Zone	Timing	Location	Priority*	Potential Partners**
	Santa Clara County Parks Department	Use native vegetation in landscaping applications to the maximum extent possible, that provide foraging, nesting and movement functions	All Zones	Ongoing – Develop guidelines for NRMP	Throughout Parkway	Moderate	- Santa Clara Valley Water District (SCVWD) - California Department of Fish and Game (CDF&G)
	Santa Clara Valley Water District	Arundo removal program as part of SMP. Monitor success of SCVWD.	Riparian Habitat Corridor	Ongoing Target summer dry season.	Areas mapped by Parks Staff.	High	-Santa Clara County Parks
	Santa Clara County Parks Department	Feral cats/dogs – Coordinate with local animal rescue programs (e.g. trapping program). Evaluate funding and cooperative partnerships	All Zones	Ongoing	Throughout Parkway	Moderate	- City of San Jose Animal Care & Services (ACS) - City of Morgan Hill Animal Control Services
	Santa Clara County Parks Department	Bullfrog – Assess and evaluate extent of problem. Implement trapping and eradication. Monitor Implementation success.	Riparian Habitat Corridor	Winter - Ongoing	Parkway Ponds/Lakes	Moderate	N/A
Objective 4.4: Control Key non-native wildlife species.	Santa Clara County Parks Department	Develop measures to prevent planted non-native fish from escaping off-creek ponds into Coyote Creek.	Riparian Habitat Corridor	To be determined with implementation of FAHCE	Parkway Lakes Ponds near Coyote Creek	Moderate	- FAHCE - SCVWD - CDF&G
	Santa Clara County Parks Department	Exotic fish – Install fish screen between Parkway Lakes and the Coyote Creek	Riparian Habitat Corridor	Within 10 years	Parkway Lakes	High	- SCVWD - FAHCE
	Santa Clara Valley Water District	Exotic fish – Evaluate status of invasive species and potential methods of control and/or eradication.	Riparian Habitat Corridor	Ongoing	Parkway Lakes Ogier Ponds Coyote Creek	Low	- Santa Clara County Parks
	Santa Clara County Parks Department	Identify areas where native bank protection and stabilization (i.e. not concrete armoring or rip-rap) is necessary and find partners to implement actions.	Riparian Habitat Corridor	Ongoing	Throughout Coyote Creek	Moderate	- FAHCE - RWQCB - SCVWD - CDF&G - City of San Jose
Objective 4.5: Restore in-stream complexity and structure.	Santa Clara Valley Water District	As possible maintain involvement and input in Coyote Creek at Ogier Ponds as required under FAHCE.	Riparian Habitat Corridor	Ongoing	Ogier Ponds	High	- Santa Clara County Parks
	Santa Clara Valley Water District	Realignment of Coyote Creek at Parkway Lakes under FAHCE.	Riparian Habitat Corridor	To be determined with implementation of FAHCE	Parkway Lakes	Moderate (timing dependent on FAHCE program)	- FAHCE - SCVWD - CDF&G

TABLE 2: Resource Management Actions and Priorities (continued)

Goals and Objectives		Factors						
		Lead Agency	Action	Management Zone	Timing	Location	Priority*	Potential Partners**
		Santa Clara Valley Water District	Evaluate use of in-stream woody debris as mitigation / enhancement credit for agencies within watershed under Stream Maintenance Program	Riparian Habitat Corridor	Ongoing	Throughout Coyote Creek	Low	- Santa Clara County Parks
		Santa Clara Valley Water District	Potential SCVWD implementation of gravel placement program.	Riparian Habitat Corridor	Ongoing	Throughout Coyote Creek	Low	- Santa Clara County Parks
	Objective 4.6: Restore vegetation understory and canopy within the Riparian Habitat Corridor.	Santa Clara County Parks Department	Enhance and restore existing riparian vegetation and SRA cover within Parkway boundaries	Riparian Habitat Corridor	Ongoing:	Exact sites TBD: See Resource Management Zone Maps	High	- SCVWD - Private Developers (Mitigation Credit) - Coyote Valley Specific Plan (City of San Jose)
		Santa Clara County Parks Department	Restore areas lacking riparian vegetation and shaded riparian area cover within migratory corridors inside Parkway boundaries	Riparian Habitat Corridor	Ongoing	Exact sites TBD: See Resource Management Zone Maps	High	- SCVWD - Private Developers (Mitigation Credit)
		Santa Clara County Parks Department	Enhance and restore existing riparian vegetation and SRA cover outside of Parkway boundaries	Riparian Habitat Corridor	Ongoing	Riparian Habitat Corridor Expansion	TBD	- SCVWD - City of San Jose - Private Developers (Mitigation Credit)
		Santa Clara County Parks Department	Restore riparian vegetation and SRA cover within migratory corridors and riparian soils outside of the Parkway boundaries	Riparian Habitat Corridor	Ongoing	Riparian Habitat Corridor Expansion	TBD	-SCVWD - City of San Jose - Private Developers (Mitigation Credit)
Objective 4.7: Restore upland habitats to complement Riparian Habitat Corridor.		Santa Clara County Parks Department	See NRM-6					-SCVWD
Objective 4.8: Identify Potential Enhancement Sites.		Santa Clara County Parks Department	Reevaluate SCVWD Identified SMP mitigation sites for consistency with Parks Goals and Objectives.	Riparian Habitat Corridor	Ongoing	TBD: See Resource Management Zone Maps	High	- SCVWD - CDF&G - USACE
		Santa Clara County Parks Department	Identification of Objective 4.6 sites	Riparian Habitat Corridor	Ongoing : See Resource Management Zone Maps	TBD: See Resource Management Zone Maps	High	- FAHCE - USFWS - CDF&G

TABLE 2: Resource Management Actions and Priorities (continued)

Goals and Objectives	Factors		Management Zone	Timing	Location	Priority*	Potential Partners**
	Lead Agency	Action					
	Santa Clara Valley Water District	Channel realignment at Ogier Ponds and Coyote Percolation Pond / Parkway Lakes.	Riparian Habitat Corridor	To be determined with implementation of FAHCE	Ogier Ponds Parkway Lakes	Moderate (timing dependent on FAHCE program)	- FAHCE - CDF&G - USFWS - NOAA Fisheries
GOAL NRM-5 Wildlife Linkages							
Objective 5.1: Encourage Riparian setbacks.	Santa Clara County Parks Department	Incorporate Parks Department's recommended setback as outlined in the Integrated Master Plan in the County's Final Riparian Ordinance	Riparian Habitat Corridor and undeveloped Upland Areas	To be determined	N/A	High	- City of San Jose - City of Morgan Hill - SCVWD (Water Collaborative) - Santa Clara County Planning
Objective 5.2: Site new Parkway use areas and facilities outside of Riparian Habitat Corridor.	Santa Clara County Parks Department	See Preliminary Plan Map					
Objective 5.3: Propose acquisition of adjacent lands or conservation easements that link the Parkway to local Open Spaces/Natural Areas.	Santa Clara County Parks Department	Acquire lands to connect Malaguerra Winery Historic Area to adjacent SCVOSA or Park properties near Anderson Lake	Undeveloped Upland Area; Upland Recreation Area	Ongoing	Malaguerra Winery Area	High	- Santa Clara Valley Open Space Authority - Other Conservancy and Open Space Groups - Santa Clara Valley HCP/NCCP - CDF&G
	Santa Clara County Parks Department	Evaluate future acquisition potential of properties adjacent to the Parkway identified as key in protecting the Riparian Habitat Corridor and providing recommended setbacks/buffers	All Zones	Ongoing	Throughout Parkway	Moderate	- Adjacent Property Owners - Conservancy and Open Space Groups - City of San Jose
Objective 5.4: Relocate/remove existing Parkway recreation improvements that restrict or pose hazards to wildlife movement in the Parkway.	Santa Clara County Parks Department	Evaluate all crossings of Coyote Creek and other potential instream barriers to evaluate passage for salmonids	Riparian Habitat Corridor	1 to 3 years	Throughout Parkway	High	- SCVWD - FAHCE - Santa Clara Valley HCP/NCCP - CDF&G - USFWS - NOAA Fisheries - CALTRANS - City of San Jose

TABLE 2: Resource Management Actions and Priorities (continued)

Goals and Objectives	Factors					Timing	Location	Priority*	Potential Partners**
	Lead Agency	Action	Management Zone						
	Santa Clara County Parks Department	Evaluate, and relocate if necessary, existing recreation facilities within the riparian habitat corridor that pose a serious risk to native wildlife.	Riparian Habitat Corridor			Ongoing	Throughout Parkway	High	- CDF&G - County Parks Lessees/Permittees - SCVWD
	Santa Clara County Parks Department	Evaluate existing roadway wildlife crossings (east/west) for potential movement corridors and identify potential zones that could be reconfigured to better provide movement	All Zones			Within 10 years	Throughout Parkway	Low	- CDF&G - USFWS - County Roads & Airports Dept - Santa Clara Valley HCP/NCCP
	Santa Clara County Parks Department	Encourage the development and implementation of a Large Mammal monitoring study to determine movement patterns through Parkway	All Zones			Ongoing	Throughout Parkway	Moderate	- Local Universities - Santa Clara Valley HCP/NCCP - CDF&G - USFWS - City of San Jose
GOAL NRM-6									
Upland Habitats Objective 6.1: Protect, and where appropriate, enhance grassland habitat.	Santa Clara County Parks Department	Control yellow star thistle under Objective 4.3 to improve quality of grassland habitat	Undeveloped Upland Area; Upland Recreation/ Historic Area			Ongoing	All Parks Staff mapped areas	High	- Santa Clara County Division of Agriculture
	Santa Clara County Parks Department	Identify funding and mitigation opportunities to restore native perennial grasslands within the Parkway.	Undeveloped Upland Areas			5 to 10 years	e.g. Malaguerra Winery Area and Model Plane Areas	Moderate	- CDF&G - California Native Plant Society (CNPS) - Santa Clara County Division of Agriculture
	Santa Clara County Parks Department	Barbed goat grass removal program	All Upland Zones			Ongoing	Areas mapped by Parks Staff.	Moderate	N/A
	Santa Clara County Parks Department	Use native vegetation in all Parkway landscaping applications, including restoration efforts	Parkway wide			Ongoing	Entire Parkway	Moderate	- CDF&G
Objective 6.2 Protect, and where appropriate, enhance chaparral/scrub habitat.	Santa Clara County Parks Department	Evaluate quality of chaparral in the vicinity of Anderson Dam. Develop Final Management recommendations within NRMP process.	Upland Recreation/ Historic Area			Evaluation ongoing			
						Recommendations to be included in Final NRMP	East of Malaguerra	Low	- CDF&G

TABLE 2: Resource Management Actions and Priorities (continued)

Goals and Objectives	Factors		Management Zone	Timing	Location	Priority*	Potential Partners**
	Lead Agency	Action					
	Santa Clara County Parks Department	Evaluate potential acquisition of chaparral areas to the east of Malaguerra Winery and Southern Parkway.	Undeveloped Upland Areas; Upland Recreation/ Historic Area	Lay groundwork discussion in NRMPP	East of Malaguerra	Low	- Adjacent Property Owners - Conservancy and Open Space Groups - CDF&G
Objective 6.3: Protect, and where appropriate, enhance oak woodland habitat.	Santa Clara County Parks Department	Control tree of heaven, eucalyptus, and other non-native trees. Restore to oak savanna.	Upland Areas	Within 5 years. Target summer dry season.	All Recreation Areas and in foothills near Malaguerra Winery	Moderate	- CDF&G - USFWS
Objective 6.4: Protect, and where appropriate, enhance populations of special-status species.	Santa Clara County Parks Department	Protect key pond turtle habitats at Parkway Lakes and Ogier Ponds.	Riparian Habitat Corridor	With Implementation of the Integrated Master Plan	Within 100' of all Parkway ponds	High	- CDF&G - USFWS - Santa Clara Valley HCP/NCCP
	Santa Clara County Parks Department	Enhance California red-legged frog habitat in Coyote Creek via restoration of in-stream complexity (Objective 4.5) and bullfrog eradication (Objective 4.4).	Riparian Habitat Corridor	To be determined with implementation of HCP	Within 330' of Coyote Creek, tributaries, and Parkway ponds	Moderate	- Santa Clara Valley HCP/NCCP - CDF&G - USFWS
	Santa Clara County Parks Department	Enhance potential California tiger salamander habitat.	Riparian Habitat Corridor	To be determined with implementation of HCP	Within 125' of Coyote Creek and Parkway ponds	Moderate	- Santa Clara Valley HCP/NCCP - CDF&G - USFWS
	Santa Clara County Parks Department	Evaluate continued presence of California tiger salamander within the Parkway and options for connections to known habitat in Coyote Creek tributaries.	Undeveloped Upland Areas; Upland Recreation/ Historic Area	To be determined with implementation of HCP	Within 125' of Coyote Creek tributaries	Moderate	- Santa Clara Valley HCP/NCCP - CDF&G - USFWS
	Santa Clara County Parks Department	Encourage the development and implementation of a migratory bird monitoring study to determine movement patterns within Parkway	All Zones	To be determined with implementation of HCP	Throughout Parkway	Moderate	- Local Universities - Santa Clara Valley HCP/NCCP - Point Reyes Bird Observatory - UC Santa Cruz Predatory Bird Research Group - San Francisco Bay Bird Observatory
	Santa Clara County Parks Department	Evaluate potential serpentine areas within Parkway.	Undeveloped Upland Areas; Upland Recreation/ Historic Area	To be determined with implementation of HCP	Mapped Areas	High	- Santa Clara Valley HCP/NCCP

TABLE 2: Resource Management Actions and Priorities (continued)

*** Prioritization Key:**

High – Actions that should be implemented by the Parks Department within 5 years or less and are essential to meet the core NRM Goals and Objectives. High-priority actions are highly beneficial to Parkway natural resources and may be a key action that makes other actions possible or is the first in a series of necessary actions.
Moderate – Actions that should be accomplished within 10 years or less to fully meet NRM Goals and Objectives. Moderate-priority actions should be undertaken sooner if funding becomes available and the action does not replace a high-priority action.

Low – Actions that should be accomplished within 15 years or less and if funding becomes available. Low-priority actions are not essential to meet NRM Goals and Objectives, but would have added benefit to Parkway natural resources. Low-priority actions should be undertaken sooner if funding becomes available sooner and the action does not replace a moderate- or high-priority action.

**** Potential Partner Abbreviations:**

CDF&G: California Department of Fish and Game
FAHCE: Fisheries and Aquatic Habitat Collaborative Effort – agreement participants
NOAA Fisheries: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service
RWQCB: Regional Water Quality Control Board
Santa Clara Valley OSA: Santa Clara Valley Open Space Authority
Santa Clara Valley HCP/NCCP: Santa Clara Valley Habitat Conservation Plan and Natural Community Conservation Plan - partner agencies SCVWD: Santa Clara Valley Water District
USF&WS: U.S. Department of the Interior, Fish and Wildlife Service

6.3.3 RESOURCE MANAGEMENT ZONES

The development of vegetative resource management zones further provide opportunities for the Department and others to undertake projects that effect the preservation, infill, enhancement, and expansion of wetland, riparian, and upland habitats within the Parkway and Riparian Habitat Corridor. Attachment 4 contains maps that subdivide the Parkway and proposed expansion lands into a series of resource management zones. These zones include:

- **Zone 1 - Existing Riparian Habitat Areas:** This zone includes all areas within the existing riparian vegetation layer that are of sufficient density and composition (i.e., insignificant or no presence of invasive species) to not require management actions other than general maintenance.
- **Zone 2 - Riparian Infill Areas:** This zone includes all areas within the existing riparian vegetation layer that are patchy in distribution (i.e., lacking contiguous shade cover) and/or have a significant percentage (>10%) of invasive species within the zone.
- **Zone 3 - Wetland Infill Areas:** This zone includes all likely and known wetlands located within the existing riparian vegetation layer that have poorly functioning hydrology, lack contiguous vegetation, and/or have a significant percentage (>10%) of invasive species.
- **Zone 4 - Riparian Enhancement Areas:** This zone includes all areas outside of the existing riparian vegetation layer that are within the Parkway boundary, the flood zone, the movement corridor, the meander zone, and/or riparian soils.
- **Zone 5 - Upland Enhancement Areas:** This zone includes all areas outside of Zones 1-4 that are within the Parkway boundary and within the movement corridor.
- **Zone 6 - Riparian Expansion Areas:** This zone includes all areas outside the Parkway boundary that are within the movement corridor and lie within the flood zone, the meander zone, and/or riparian soils.
- **Zone 7 - Upland Expansion Areas:** This zone includes all areas outside the Parkway boundary that are within the movement corridor, but are not within the flood zone, the meander zone, and/or riparian soils.

6.3.4 GOALS, OBJECTIVES, AND ACTIONS

The following summarizes how the Natural Resource Management Plan addresses the Integrated Plan's goals and objectives outlined in Section 4.0.

6.3.4.1 Hydrologic Resources

Though the Department may own the Parkway lands surrounding Coyote Creek, the SCVWD manages its hydrologic resources and oversees all in-stream activities. While certain land stewardship practices can be implemented by the Department that would benefit hydrologic resources, in most cases the SCVWD will be the lead agency undertaking significant modifications related to the creek and adjacent groundwater resources.

GOAL NRM-1 Restore a functional floodplain along Coyote Creek, to the greatest extent practical, to allow for stable hydro-geomorphic processes beneficial to the preservation of a sustainable Riparian Habitat Corridor. (NRM Guidelines #1, #2, and #4)

OBJECTIVE NRM-1.1 Cooperate with the Santa Clara County Water District in its programs to re-establish natural channel functions consistent with the Integrated Plan.

Rationale / Action: The operations of Anderson Dam alter the natural flow regime of Coyote Creek and hence impair natural hydrologic and geomorphic functions through the Parkway. However, depending on future operations of the dam, the channel may adjust to re-establish an approximate equilibrium between flow and sediment transport. Protection of an ample floodplain and buffer promote channel adjustments to achieve an approximate equilibrium. In turn, re-establishing some of the pre-dam channel functions will enhance riparian and aquatic habitat complexity. Creation of the Riparian Habitat Corridor will facilitate the establishment of natural channel functions.

OBJECTIVE NRM-1.2 Identify and establish Parkway use area and facility setback zones from Coyote Creek.

Rationale / Action: Stream-related setback zones for Parkway use and facility improvements will enhance the functionality of the Coyote Creek floodplain to:

- provide ample width for the natural migration of the creek channel
- reduce excessive erosion and sediment in the creek
- provide flood protection
- maintain ground water recharge

- improve water quality
- promote habitat diversity and connectivity

Establishment of the Riparian Habitat Corridor and related setback guidelines (see Table 3) will protect both existing riparian areas along the Parkway and in some instances increase the riparian buffer in areas that are particularly sensitive with regard to erosion and water quality.

GOAL NRM-2 Preserve, and where appropriate, enhance hydrologic connectivity through the creek channel, riparian corridor, and adjacent natural areas. (NRM Guidelines #1, #3, and #4)

OBJECTIVE NRM-2.1 In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its efforts to remove in-stream structures, such as low-flow road crossings, that act as fish passage barriers in Coyote Creek.

Rationale / Action: In-stream structures impede the movement of aquatic species through the Coyote Creek watershed and decrease channel connectivity. Channel connectivity represents how adequately creek reaches are connected through the watershed. High channel connectivity promotes the natural flow of water, sediment, and other stream-borne constituents down slope. In-stream structures, undersized culverts, and other physical barriers represent a creek with low channel connectivity. Integrated Plan actions will remove the structures under the control of the County that will not only increase channel connectivity of Coyote Creek, but will allow for the passage of native aquatic species to the upper watershed.

OBJECTIVE NRM-2.2 In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its efforts to construct a channel with a floodplain through Ogier Ponds and a channel through the Coyote Percolation Pond / Parkway Lakes complex.

Rationale / Action: The FAHCE agreement outlines a program to provide spawning and rearing habitat for anadromous fish in the upper reaches of Coyote Creek within the Parkway. Coyote Creek now flows into the Ogier Pond complex and the Coyote Percolation Pond. The restoration of a distinct channel around or through these ponds is critical for providing cold-water rearing habitat for anadromous species. Also, the restoration of a floodplain and riparian

corridor adjacent to the channel will, to the extent feasible, promote stream stability, increase general habitat diversity and connectivity to upstream and downstream reaches, and allow native fish to access the upper reaches of the mainstream of Coyote Creek and therefore enhance wildlife linkages for native, threatened, and endangered aquatic species. The Department will cooperate with the SCVWD in its evaluation of realigning the Coyote Creek stream channel through the Ogier Pond complex recognizing that the Ogier Pond's freshwater marsh and open water habitats add to the diversity of the Parkway and are to be protected.

OBJECTIVE NRM-2.3 In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its programs to repair headcuts and other severe erosion features.

Rationale / Action: Headcuts have developed in reaches of the Parkway where quarries have artificially captured the natural channel. Quarry excavation below the channel grade commonly resulted in a lowering of the reach channel slope. A headcut can migrate up the channel system until a new equilibrium slope is created. Consequences of headcut formation and migration include: bank failure; alluvial ground water lowering; reduction of the floodplain; and undermining of infrastructure. Repairing existing headcuts would enhance hydrologic connectivity and channel functions. The Department will cooperate with the SCVWD in its programs to repair headcuts and other severe erosion features.

OBJECTIVE NRM-2.4 In a manner consistent with the Integrated Plan, cooperate with the Santa Clara County Water District in its programs to maintain or improve flood conveyance, especially for high-recurrence events.

Rationale / Action: Culverts for road and trail crossings of the creek are frequently undersized, which disrupts natural hydrologic functions. Crossings unfit to convey high-recurrence flows often cause flow detention and result in excessive deposition upstream of the crossing. Conversely, an undersized culvert becomes pressurized and can cause scouring conditions downstream of the crossing. Undersized crossings are much more susceptible to clogging (e.g., large woody debris, etc.). A clogged culvert or crossing is likely to cause flooding and/or excessive deposition or erosion. Maintaining or improving flood conveyance along Coyote Creek: a) increases channel connectivity, b) reduces the potential for channel bed and bank instability upstream and downstream

from crossings, and c) reduces flooding. The Integrated Plan proposes to remove culverts, low-flow crossings, and replace selected trail bridges to improve flood conveyance.

OBJECTIVE NRM-2.5 Identify, protect, and where necessary propose acquisition of adjacent areas where riparian buffers should be enhanced and/or increased to promote stream stability and habitat connectivity.

Rationale / Action: Although the Parkway currently manages a nearly continuous riparian corridor surrounding Coyote Creek, there are areas where the riparian corridor is relatively narrow and could be increased to provide additional buffer for channel migration and vegetation / habitat enhancement. The implementation of the Riparian Habitat Corridor would accomplish this objective.

OBJECTIVE NRM-2.6 Relocate trails / roads that are causing or exacerbating severe erosion in Coyote Creek.

Rationale / Action: The extensive trail system is a fundamental component of the Parkway, providing multi-use recreation opportunities for the public. Portions of the existing trail system are in disrepair because of bank erosion. Relocating trails and roads outside of the active channel corridor could be considered to aid in stream stability and reduce park maintenance. The Integrated Plan identifies significant sections of the Coyote Creek Trail to be relocated away from the immediate creek channel area (see also Section 6.4.4).

GOAL NRM-3 Encourage the Santa Clara Valley Water District's management of the Parkway's creek and ground water resources to maintain and enhance native biodiversity. (NRM Guidelines #1, #2, and #3)

OBJECTIVE NRM-3.1 Maintain historic groundwater levels to retain perennial and seasonal wetland areas.

Rationale / Action: The groundwater table between the Anderson Dam and the Coyote Percolation Pond is relatively shallow. Its depth is managed through releases from Anderson Dam combined with the operation of the Coyote Canal. Perennial ponds reflect the level of the groundwater table. However, because the ground water table fluctuates, many of the off-stream ponds contain seasonal and/or migrating wetlands. Both perennial and seasonal wetlands

and their associated riparian vegetation are important resting and feeding environments for migratory birds, nesting areas for waterfowl, and home to resident bird populations; as well as potential habitats for listed species such as the red-legged frog. These wetlands add to the overall appeal of the Parkway as a venue for watching wildlife. The Department will continue to monitor land use proposals and SCVWD programs that affect groundwater and encourage that historic groundwater levels be maintained.

6.3.4.2 Biological Resources: Goals, Objectives, and Actions

A summary of Resource Management Program goals, objectives, actions, and priorities for biological resources is outlined in Table 2. Presented are specific actions that are directly related to the Integrated Plan goals and objectives (see Section 2.0). Also indicated are lead agency responsibilities, general zones and locations in the Parkway within which the actions will be located, priority and timing of actions, and potential partners.

GOAL NRM-4 Preserve, and where appropriate, enhance a continuous, multi-tiered Riparian Habitat Corridor with dynamic physical processes that promotes native biodiversity and supports threatened and endangered species. (NRM Guidelines #2 and #3)

OBJECTIVE NRM-4.1 Restore natural floodplain functions.

Rationale / Actions: The Coyote Creek floodplain consists of the relatively flat land adjacent to streams that has been formed through stream migration or natural meandering of the stream, erosion, and deposition of sediments. Natural function of the floodplain increases the amount of habitat complexity by promoting natural vegetation in successional stages. Constriction of the floodplain within the Parkway has resulted in loss of habitat variety, and thus reduced species diversity. Without a natural functioning floodplain, engineering solutions that could degrade the biological character of the Parkway could be required. (See also NRM Objective 4.5)

Key Actions:

ACTION A: Evaluate all current stream crossings in the Parkway for flood conveyance. Bridges, culverts, and other stream conveyance methods used at stream crossings can restrict flood conveyance within Coyote Creek and result in flooding of Parkway trails. All stream crossings should be evaluated as per the guidelines set out for passage in the California Department of Fish and Game 2003 update to the Salmonid Stream Habitat Restoration Manual (Part

IX "Fish Passage Evaluation at Stream Crossings"), as the minimum standard for conveyance of flows at any given crossing of Coyote Creek. The evaluation should be coordinated with California Department of Fish and Game (DGF) and the agency responsible for each crossing of Coyote Creek or its tributaries.

Furthermore, the Department will work with the SCVWD, as appropriate, to define the existing stream crossings that would be inundated by the maximum flood release from Anderson Reservoir. Once defined, the Department should coordinate with agencies responsible for each crossing that does not provide conveyance at the maximum release to retrofit or replace crossings in order to provide the desired level of flood conveyance.

ACTION B: Develop Criteria to apply to future proposed stream crossings of Coyote Creek. The Department should request a hydraulic analysis of flood conveyance at proposed crossings that could impact flood conveyance within the Parkway. The Department should consider each proposal individually, but should ensure that (1) proposed structures will not be inundated by the maximum release from Anderson Dam; (2) proposed structures do not flood Parkway trails and/or facilities at the maximum release; (3) proposed structures do not flood Parkway Riparian Habitat Corridor Zones 5 and 7 or other upland areas at the maximum release; and (4) passage is provided for listed fish species at the maximum release (See also Objective 4.1, Action A and Objective 5.4, Action B). The Department's intent is to not limit the ecological and channel forming functions provided by flood flows, as practicable,. However, the Department understands the constraints that the Parkway's setting creates and desires to protect the existing Parkway infrastructure to the user's benefit.

ACTION C: Identify and prioritize low quality wetlands. As part of the process that defined the Riparian Habitat Corridor, all likely and known wetland features that occur within the Parkway were delineated as a single management zone (Riparian Habitat Corridor Zone 3). However, the definition of Zone 3 is problematic in that the channel and surrounding landscapes have been altered over time, resulting in the loss of wetlands and wetland features, making the designation of infill areas difficult to define beyond features with obvious hydrologic characteristics. For this reason, many of the delineated features in Zone 3 are existing or abandoned ponds that can already support

wetland hydrology. In contrast, many of wetlands recently created by the SCVWD within the Parkway are in areas that did not previously support wetland hydrology, but may have supported wetland hydrology at some point in the recent past (i.e., within the historic period).

Wetlands identified in Zone 3 do provide wetland hydrology and may also have an appropriate soil component, but to varying degrees do not support wetland vegetation or have a significant invasive plant component (i.e., greater than 10% invasives). Their value could be improved through maintenance of the invasive population and planting of wetland vegetation appropriate to the region, depth profile, and local context.

ACTION D: Coordinate the potential future realignment of Coyote Creek, at the Ogier Ponds complex, with SCVWD. As part of or in conjunction with SCVWD's FACHE settlement agreement, SCVWD intends to realign Coyote Creek at the Ogier Ponds complex. The Department will coordinate with SCVWD to ensure that, as much as possible, the realignment of Coyote Creek at the Ogier Ponds is consistent with all aspects of the Integrated Plan.

OBJECTIVE NRM-4.2 Define and delineate a continuous Riparian Habitat Corridor.

Rationale / Action: A Riparian Habitat Corridor means land and water areas parallel to and along Coyote Creek that are of sufficient width to facilitate the movement of large mammals between habitat areas. The corridor would provide a variety of nesting and foraging areas for wildlife species that depend on or prefer the creek environment for at least part of their existence, and it would enhance and protect the aquatic habitats of the creek and nearby ponds and wetlands. The corridor would occur on both sides of the creek but may be wider where it adjoins wetlands created from past gravel mining. Where feasible, a buffer to the corridor would be identified where intensive uses on adjacent lands exist or are planned. Exceptions may be necessary where the minimum-width corridor or buffer or both are infeasible due to existing ownership patterns or other physical constraints. In those instances, an offsetting expansion on the opposite side of the creek has been considered. In the corridor, natural resource protection predominates, but compatible levels of human activity, principally trail use, non-powered boating, and nature observation would be allowed, with trails and footpaths aligned to skirt as much of the wildlife corridor

as possible and buffered to minimize human impacts. See also Section 6.3.1 for an explanation of the Riparian Habitat Corridor.

ACTION A: Coordinate integration with Santa Clara County Riparian Corridor Ordinance and SCVWD 06-01 Ordinance. The action of defining the Riparian Habitat Corridor, as initially drafted, is complete and described in detail in Section 6.3.1. However, the definition of the Riparian Habitat Corridor is defined from the perspective of the Department's Vision for the Parkway and the Fundamental Goals regarding natural resource management. This context places the Riparian Habitat Corridor at odds with other local policies regarding definition of the riparian zone. To some degree, even the nomenclature hints at fundamental differences in how the word "Riparian" is defined. The two relevant local policies regarding defining the riparian zone are the *Santa Clara County Riparian Corridor Ordinance* and the *SCVWD Ordinance 83-2*. The Department will continue to coordinate, as appropriate with both the Santa Clara County Planning Office and SCVWD in integrating these policies with the Parkway's Riparian Habitat Corridor goals and seek resolution of issues where conflict arise between these policies that directly impact the Parkway.

OBJECTIVE NRM-4.3 Eradicate or control key non-native invasive plants.

Rationale / Actions: Invasive plants, such as Giant Reed (*Arundo donax*), are common throughout the Riparian Habitat Corridor of Coyote Creek Parkway. Invasive plants can become established in newly disturbed areas and proliferate and persist to the detriment of native species. Invasive species can hoard light, water and nutrients, and can alter ecosystems by changing soil chemistry and hydrological processes. As a result, invasive plants can overtake native plants and, in turn, displace the animals that had relied on the native plants for food and shelter. These non-native invasives can also become the dominant plant type in certain areas, thus reducing the natural biodiversity of habitats. Eradication is desirable for severely invasive species such as Giant Reed. For other non-native invasive species, only control rather than elimination is feasible to limit their spread and undesirable ecological effects.

ACTION A: Yellow star thistle eradication program. The Department will continue to monitor and record the location of yellow star thistle (*Centaurea solstitialis*) within the Parkway. The Department will continue to manage zones close to waterways with biological control agents and monitor progress in

controlling this exotic invasive plant in conjunction with the Santa Clara County Division of Agriculture (cooperative project as part of the County's Weed Management Area). The Department will review other potential methods to remove yellow star thistle outside of the riparian area that are consistent with the Department's goals and the Department's Memorandum of Understanding (MOU) with the California Department of Forestry and Fire Protection..

ACTION B: Identify, map, and prioritize for control or eradication all invasive exotic plant species within the Parkway. The Department will continue identifying and mapping invasive and exotic plant species that occur throughout the Parkway. Plants targeted for mapping should include all plants rated as high or moderate by the California Invasive Plant Council (Cal-IPC 2006). Plants rated as high or moderate that could potentially occur in the Parkway are listed below (as per Cal-IPC 2006).

Moderate	High
Bridal creeper (<i>Asparagus asparagoides</i>)	Barb goatgrass (<i>Aegilops triuncialis</i>)*
Black Mustard (<i>Brassica nigra</i>)*	Giant reed (<i>Arundo donax</i>)*
Hoary cress (<i>Cardaria draba</i>)	Yellow star thistle (<i>Centaurea solstitialis</i>)*
Italian Thistle (<i>Carduus pycnocephalus</i>)*	Spotted Knapweed (<i>Centaurea maculosa</i>)
Woolly distaff thistle (<i>Carthamus lanatus</i>)*	Jubata grass (<i>Cortaderia jubata</i>)
Purple star thistle (<i>Centaurea calcitrapa</i>)	Pampas grass (<i>Cortaderia selloana</i>)*
Malta star thistle (<i>Centaurea melitensis</i>)	Scotch broom (<i>Cytisus scoparius</i>)*
Rush skeletonweed (<i>Chondrilla juncea</i>)	French broom (<i>Genista monspessulana</i>)
Canada thistle (<i>Cirsium arvense</i>)	English ivy (<i>Hedera helix</i>)*
Bull thistle (<i>Cirsium vulgare</i>)*	Perennial pepperweed (<i>Lepidium latifolium</i>)
Hedgehog dogtail grass (<i>Cynosurus echinatus</i>)	Creeping water-primrose (<i>Ludwigia peploides</i>)
Common teasel (<i>Dispacus fullonum</i>)	Uruguay water-primrose (<i>Ludwigia hexapetala</i>)
Fuller's teasel (<i>Dispacus sativus</i>)	Parrotfeather (<i>Myriophyllum aquaticum</i>)
Stinkwort (<i>Dittrichia graveolens</i>)*	Eurasian watermilfoil (<i>Myriophyllum spicatum</i>)*
Erect veldtgrass (<i>Ehrharta erecta</i>)	Scotch thistle (<i>Onopordum acanthium</i>)
Moderate	High
Russian olive (<i>Elaeagnus angustifolia</i>)*	Himalayan blackberry (<i>Rubus discolor</i>)*
Tasmanian blue gum (<i>Eucalyptus globulus</i>)	Giant Salvinia (<i>Salvinia molesta</i>)
Edible fig (<i>Ficus carica</i>)	Spanish broom (<i>Spartium junceum</i>)
Common velvetgrass (<i>Holcus lanatus</i>)	Medusahead (<i>Taeniatherum caput-medusae</i>)
Mediterranean barley (<i>Hordeum marinum</i>)	Gorse (<i>Ulex europaeus</i>)
St. John's wort (<i>Hypericum perforatum</i>)	
Italian Ryegrass (<i>Lolium multiflorum</i>)*	

Japanese knotweed (<i>Polygonum cuspidatum</i>)*	
Curlyleaf pondweed (<i>Potamogeton monspeliensis</i>)	
Red sorrel (<i>Rumex acetosella</i>)	
Rose Clover (<i>Trifolium hirtum</i>)	
Rattail fescue (<i>Vulpia myuros</i>)	

* - Known to occur in Parkway

ACTION C: Native plant revegetation of all areas where non-native plant removal is necessary. All the Department's invasive plant removal efforts will be followed by revegetation with native species, as appropriate to each habitat where removal occurs.

ACTION D: Use native vegetation in landscaping applications and vegetation that provides foraging, nesting and movement functions to the maximum extent practicable. All facilities constructed within the Parkway will use native landscaping and, to the maximum extent practicable, provide multiple layers of vegetation (i.e., grass to shrub to tree) that provide cover and nesting opportunities for native wildlife species.

ACTION E: Coordinate SCVWD SMP *Arundo* removal program. The Department will work to coordinate the removal of Giant Reed (*Arundo donax*) with the SCVWD Stream Maintenance Program (SMP) within the Parkway and assist in monitoring the success of the removal program.

OBJECTIVE NRM-4.4

Control key non-native wildlife species.

Rationale / Actions: Invasive wildlife, such as the Norway rat, bullfrog, exotic fish, and several species of domesticated pets, can prove detrimental to native fish, amphibian, and invertebrate species that reside within the riparian areas of the Parkway. Complete eradication of these non-native wildlife species is likely infeasible, but control is necessary to reduce their adverse effects on special-status and native wildlife species within the Riparian Habitat Corridor.

ACTION A: Control non-native Bullfrogs – The Department will assess and evaluate the extent of the exotic bullfrog (*Rana catesbeiana*) population. Controlling this problem may involve trapping and eradication programs and monitoring implementation success. Management of bullfrog populations is difficult, in part due to their commingling with native species in aquatic habitats. Adult frogs and tadpoles are removed by trapping or hand capture. Chemical

treatments or draining of ponds due to the limited success of such methods and the potential for unintended consequences to other native amphibians will not be used. Fencing may be used to limit frog movements away from infested habitats. The Department will seek funding, as appropriate, to coordinate and implement trapping and eradication efforts. This action is not a high priority and, as such, will not be implemented to the detriment of higher priority programs.

ACTION B: Coordinate measures to prevent planted non-native fish from escaping Parkway Lake complex into Coyote Creek. As part of SCVWD's SMP Pond 10A is proposed to become a freshwater wetland that is screened from Coyote Creek to prevent fish access into the pond. The Department is already coordinating this process with SCVWD. The Department will also coordinate with SCVWD installing a fish screen between Coyote Creek and the Parkway Lakes.

ACTION C: Evaluate status of exotic fish species and potential methods of control and/or eradication. The Department will work to identify entities interested in surveying Coyote Creek for invasive fish species. Potential partners for this effort include the SCVWD, CDF&G, or local universities. The effort would be a collaborative study that would have to include the support of both the Department and SCVWD that would evaluate the numbers of non-native fish species present in Coyote Creek. An analysis of potential control and/or eradication efforts could be proposed as part of the study or as a stand-alone report.

OBJECTIVE NRM-4.5 Restore in-stream habitat complexity and structure (e.g., woody debris, pools, etc.).

Rationale / Actions: "Habitat complexity" is a broad term that describes the variability of the physical and biological environment for native species. In-stream habitat complexity is important for many aquatic species because of their need for different types of microhabitats for different life-stages and behaviors (e.g., breeding, foraging, dispersal, and survival). For example, large woody debris (LWD) is a critical component for channel complexity for many fish and amphibians. LWD is viewed as providing stability to streams in the form of

pool habitat and sediment and nutrient retention. Pools provide rearing habitat and high (i.e., flood) flow refuge/complexity for many fish species. Other components of in-stream habitat complexity include:

- channel sinuosity
- channel slope
- bank slope and composition
- substrate composition and distribution
- smaller woody debris and other in-stream material
- overhanging vegetation, and in-stream root structures

ACTION A: Identify areas where native bank protection and stabilization (i.e., not concrete armoring or rip-rap) is necessary and identify partners to implement actions. The Department will assess the condition of stream banks on a yearly basis to proactively identify areas where erosion is accelerated and banks require stabilization. The Department will use filter fabric, native willow stakes, and native seed mixes to initially stabilize banks. Once stabilized, the Department can seek funding and, as appropriate, contract projects to permanently reduce the slope of banks and revegetate with native plant species. As part of SCVWD's FAHCE implementation, SCVWD proposes to also define guidelines for designing and implementing bank stabilization projects within Coyote Creek. The Department will coordinate, as appropriate, to implement these guidelines in all future bank stabilization activities.

ACTION B: Maintain involvement and input relative to Coyote Creek at Ogier Ponds as required under FACHE. Refer to Objective 4.1, Action D.

ACTION C: Realign Coyote Creek at Parkway Lakes under FACHE. Refer to Objective 4.4, Action C.

ACTION D: Evaluate use of in-stream woody debris as mitigation / enhancement credit for agencies within watershed. The Department will look into coordinating efforts with SCVWD to install in-stream woody debris into Coyote Creek.

ACTION E: Potential SCVWD implementation of gravel placement program. SCVWD has committed to conducting a gravel placement program as part of FAHCE implementation. The project would be aimed at supplementing gravels suitable for salmonid spawning in the Coyote Creek and other FAHCE watersheds. The Department will coordinate with SCVWD in order to ensure

that efforts are consistent with the Integrated Plan and do not degrade the character of the Parkway.

OBJECTIVE NRM-4.6 **Where appropriate, restore understory and canopy riparian vegetation to increase corridor width, continuity, and shade cover.**

Rationale: Vegetation in the riparian area provides a variety of conditions and functions necessary for biological communities. The continuity of vegetation along stream corridors is one of the more critical characteristics of a ecologically-healthy stream corridor because the functions of the Riparian Habitat Corridor are uninterrupted in a continuous corridor. Vegetation is an important source of energy input into the food web, provides essential habitat to aquatic and terrestrial organisms, and provides thermal protection and regulation of stream water temperature. A continuous stand of riparian canopy and understory also contributes to in-stream habitat complexity by providing a steady source of woody debris that falls into the stream. Woody debris on the forest floor provides habitat for a variety of insects, amphibians, reptiles and small mammals and birds as well as a surface for seedlings to become established.

These habitat connections will be accomplished through an active vegetation restoration program using appropriate local plant species. In some areas along the creek, where the width of the riparian vegetation is narrow (e.g., less than the optimum), the Riparian Habitat Corridor will be increased on both sides of the creek if feasible from topographic and hydrological standpoints.

ACTION A: Enhance and restore existing riparian vegetation and cover within Parkway Boundaries. In order to improve the ecological functions of the Riparian Habitat Corridor, the Department will work to enhance or restore complex native riparian vegetation in Riparian Habitat Corridor Zones 2 and 4. Zone 2 represents gaps in existing stands of riparian vegetation that would improve the density and continuity of the corridor. Zone 4 represents areas beyond the existing vegetation that are highly suitable for riparian restoration (i.e., are within historic riparian soils, the flood zone, the current channel meander belt, and the wildlife movement corridor).

In order to improve the ecological functions of the Riparian Habitat Corridor, The Department will work to enhance or restore complex native riparian vegetation in the Riparian Habitat Corridor Zone 6, as opportunities become available via the advantageous expansion of the Parkway. Zone 6 is an

extension of Zone 4 beyond the boundaries of the Parkway and represents areas beyond the existing vegetation that are highly suitable for riparian restoration (i.e., are within historic riparian soils, the flood zone, the current channel meander belt, and the wildlife movement corridor).

ACTION B: Restore areas lacking riparian vegetation within migratory corridors inside Parkway boundaries. In order to improve the ecological functions of the Riparian Habitat Corridor, the Department will work to restore complex native riparian vegetation in Riparian Habitat Corridor Zone 5 with the intent of providing additional movement habitat for wildlife in the Parkway. Zone 5 is upland habitat adjacent to the meander belt and riparian soils that work in concert with those riparian areas to provide greater corridor width for wildlife movement and reduced disturbance from the surrounding urban, suburban, and rural development. Vegetation communities selected for restoration will represent a mix of local woodland communities and should be determined on a site-specific basis that allows for the restoration to fit into the context of adjacent vegetation communities.

In order to improve the ecological functions of the Riparian Habitat Corridor, the Department will work to restore complex native riparian vegetation in Riparian Habitat Corridor Zone 7 with the intent of providing additional movement habitat for wildlife in the Parkway as opportunities become available via the advantageous expansion of the Parkway. Zone 7 is an extension of Zone 5 beyond the boundaries of the Parkway and represents upland habitat adjacent to the meander belt and riparian soils that work in concert with those riparian areas to provide greater corridor width for wildlife movement and reduced disturbance from the surrounding urban, suburban, and rural development.

OBJECTIVE NRM-4.7 **Where appropriate, restore upland vegetation to complement the Riparian Habitat Corridor.**

Rationale / Actions: The re-establishment of grassland or oak savanna habitats in certain locations can also act as important elements in enhancing the Riparian Habitat Corridor, as well as provide additional valuable wildlife habitat and increased habitat diversity. All key actions are defined and discussed under NRM-6

OBJECTIVE NRM-4.8 Identify potential mitigation sites.

Rationale / Actions: Implementation of the public access and use components of the Integrated Plan will require some mitigation of wetland, riparian, and upland resources. Likewise, the Parkway could serve as mitigation sites for other nearby development projects. Sites that would be beneficial to enhance resources and that would also be appropriate for mitigation by the Department have been identified in the Resource Management Zones. If these potential mitigation sites were not needed by the Department they could be considered for use by others. Refer to discussion under Objective 4.6, All Actions.

GOAL NRM-5 Preserve and enhance wildlife linkages through the Riparian Habitat Corridor and to adjacent natural areas for the benefit of native biodiversity and support threatened and endangered species. (NRM Guidelines #2, #3, and #4)

OBJECTIVE NRM-5.1 Encourage riparian setbacks for future Parkway development and/or propose acquisition of adjacent areas of upland habitat to increase the width of the riparian buffer from the edge of the creek on each side of the channel.

Rationale / Action: Riparian habitat corridors serve as important connectors between fragmented habitats. Wildlife may use these habitats during different life stages and travel along these corridors at different times of the year. Without these corridors, fragmentation of ecosystems may occur with an adverse impact to the geographic distribution of species that are dependent on these corridors for movement. Reduction in the quantity and quality of riparian areas may also reduce the population and geographic distribution of migratory and resident bird populations. Two methods to achieve the stated objective include acquiring land in strategic areas to widen the Riparian Habitat Corridor and / or encouraging minimum setbacks from new development (e.g. Coyote Creek Specific Plan) to minimize adverse impacts on the Riparian Habitat Corridor. See Table 2 for all key actions.

OBJECTIVE NRM-5.2 Through use setbacks, site new Parkway use areas and facilities to allow for an undisturbed Riparian Habitat Corridor.

Rationale / Action: New Parkway use areas and improvements should be sited sufficiently away from the Riparian Habitat Corridor so as to ensure its sustained viability. Buffer distances should be determined based on the type of recreation activity and its compatibility with wildlife resources (e.g., nature observation vs.

group picnicking) and the level of physical improvements anticipated. See Table 2 for all key actions.

OBJECTIVE NRM-5.3 Propose acquisition of adjacent lands or conservation easements in upland habitat areas to link Coyote Creek Parkway to adjacent natural areas (primarily in the southern Parkway).

Rationale / Actions: Coyote Creek Parkway lies in between the Santa Cruz Mountains to the west and the Diablo Range to the east. Drainages coming off these ridges can provide linkages to food resources in the Valley, including within the Riparian Habitat Corridor. With the development of much of the surrounding Valley, many of these habitat linkages have been eliminated. However, connectivity does exist between the Diablo Ridge and the Parkway via the foothills surrounding Anderson Reservoir. Protecting this linkage through strategic land acquisition or conservation easements could enhance the overall abundance and genetic viability of wildlife in the Parkway.

ACTION A: Acquire lands to connect the Parkway to adjacent open space districts. The Department will seek opportunities to acquire lands near the Malaguerra Winery site that would connect the Parkway to adjacent open space preserves in the Diablo Range. These lands would provide protected connections for wildlife between the Parkway and surrounding preserved open spaces, providing movement corridor for wildlife in and out of the Parkway and reducing the potential for wildlife to have to utilize through urban/suburban areas for movement/migration. See also Section 6.2.

ACTION B: Evaluate future acquisition potential of properties adjacent to the corridor identified as key in protecting the Parkway Natural Resources. See Section 6.2.

OBJECTIVE NRM-5.4 Where feasible, remove/relocate existing Parkway recreation improvements to not restrict wildlife movement or pose hazards to wildlife movement along the Parkway.

Rationale / Actions: The Parkway is one of the key remaining movement corridors for wildlife in the Santa Clara Valley. However, some existing roads and trails that cross the Parkway and selected use areas degrade its function as a regional corridor by posing hazards to wildlife or being sources of disturbance that limit wildlife movement. Simplification of the road / trail network and/or relocation of trails or roads would reduce impediments to movement. This is particularly important given the expected increases in recreational use of

the Parkway in general, and with the advent of a substantial population increase in the Coyote Valley.

ACTION A: Coordinate with SCVWD in implementing the FACHE agreement.

The Department will monitor implementation of the FACHE agreement in order to ensure that any modifications of Coyote Creek under the FACHE agreement are consistent with the goals of the Parkway and that all changes to the system encourage fish passage within the boundaries of the Coyote Creek Parkway.

ACTION B: Evaluate all culverts and bridges within Coyote Creek Parkway to identify fish passage impediments for steelhead.

Minimum passage requirements for steelhead are usually set at a minimum passage depth of 0.8 feet with a water velocity not exceeding 6 feet per second (fps) over a distance no greater than 60 feet (CDF&G 2003, WDFW 1994). All stream crossings will be evaluated as per the guidelines set out for passage in the California Department of Fish and Game (CDF&G) 2003 update to the Salmonid Stream Habitat Restoration Manual (Part IX "Fish Passage Evaluation at Stream Crossings"), as the standard for fish passage at any given crossing of Coyote Creek or its tributaries that occurs within the Parkway. Coordination should also occur with SCVWD who conducted a passage assessment of Coyote Creek as in conjunction with the FAHCE studies.

ACTION C: Evaluate, and relocate if necessary, existing recreation facilities within the Riparian Habitat Corridor that pose a serious risk to native wildlife. All new facilities and use areas, with the exception of the Coyote Creek Trail, proposed under the Master Plan will be located outside of the Riparian Habitat Corridor. Areas now within the Riparian Habitat Corridor that will be closed with uses relocated to the Perry's Hill Recreation Area include the Officer Gene Simpson Dog Training Area and the Parque de la Raza de Paz.

ACTION D : Evaluate existing roadway wildlife crossings (east/west) for potential movement corridors and identify potential zones that could be reconfigured to better provide movement. The Department will evaluate Highway 101 underpasses for potential movement corridors and identify potential zones that could be reconfigured to better provide movement between the Diablo Range foothills and the Coyote Creek Parkway. Potential corridors will be prioritized as potential mitigation for regional development

and/or transportation projects or for modification as other funding sources become available.

ACTION E: Encourage the development and implementation of a Large Mammal monitoring study to determine movement patterns through the Parkway. The Department, or an entity partnering with the Department, will conduct a study when funding becomes available, of movement patterns between the Parkway and the Santa Cruz Mountains to the west. This study could be potentially coordinated with a local university or other agency as mitigation for other relevant actions.

GOAL NRM-6 Protect, and where appropriate, enhance upland habitats to promote native biodiversity and support threatened and endangered species. (NRM Guideline #3)

OBJECTIVE NRM-6.1 Protect, and where appropriate, enhance grassland habitat.

Rationale / Action: Annual grasslands provide foraging habitat and cover for many common wildlife species. Meadows that are grazed or mowed are especially beneficial to wildlife because the low stature of the grasses and herbs provides open or bare areas in which small mammals and other wildlife can burrow and forage. Moreover, carefully managed grazing and/or mowing can result in an increase in native grasses and herbs with a concomitant decrease in non-native invasive plant species. Grassland adjacent to the Riparian Habitat Corridor also provides important breeding and aestivation sites for special-status reptiles and amphibians such as the California red-legged frog and western pond turtle. Native vegetation provides much higher quality habitat for wildlife than does non-native vegetation.

ACTION A: Eradicate yellow star thistle under Objective 4.3 to improve quality of grassland habitat. See discussion under Objective 4.3, Action A.

ACTION B: Restore native perennial grasslands within the Parkway's Natural Area. Identify funding and mitigation opportunities. The Department will work to enhance existing grassland habitat and restore ruderal and bare ground areas. As with many California grasslands, the grassland habitats have a significant non-native component or have been completely converted to ruderal non-native grasslands. To improve that natural character of the Parkway and to improve the ecological complexity of the Parkway, the Department intends to begin a program of grassland restoration.

Grassland restoration is a complex process due to the vigor of most ruderal grassland seed banks, which consist of highly competitive weeds and other non-native, invasive plants. Grassland restoration will be initially implemented in the form of weed control beginning at least 6 months in advance of native seeding efforts. Weed control efforts will include some methods already in practice by the Department that consist of physical removal using disking or tilling. Burning and herbicide use are prohibited within the Parkway and thus will not be implemented. Native seed collection will be coordinated with CDF&G and USFWS in order to begin planting during the late fall and early winter following the initiation of weed control.

As grassland enhancement and restoration is a time-intensive practice, it is not feasible for the Department to implement this action for the entire Parkway at once. Thus, small patches of grassland would be restored each year and weed control would be kept up at formerly planted sites to prevent weeds from moving back into restored sites. This is anticipated to be an effort, given the current state of noxious weed expansion in California, that would require continued funding and maintenance for the life of the Integrated Plan. Initial efforts will be focused in the areas with large components of the highly invasive yellow star thistle and barbed goatgrass.

ACTION C: Barbed goatgrass removal program. In conjunction with Objective 6.1, Action B and Objective 4.3, Action A, the Department will also work to eradicate barbed goatgrass within native and ruderal grasslands in the Parkway.

ACTION D: Use native vegetation in all Parkway landscaping applications, including restoration efforts. Refer to discussion under Objective 4.3, Actions C and D.

OBJECTIVE NRM-6.2 Protect, and where appropriate, enhance chaparral/scrub habitat.

Rationale: Chaparral/scrub habitats occur at the edge of the Parkway but support many special-status plants and native species. Maintaining these species requires active management of chaparral/scrub to ensure that natural processes that sustain this habitat (e.g., fire) continue. Chaparral and scrub also provide low but dense cover for wildlife and a complex mix of niches for many different wildlife species.

ACTION A: Evaluate the quality of chaparral in the vicinity of Anderson Dam. The Department will, if feasible, develop a specific management plan to maintain chaparral that occurs within the Parkway, in the vicinity of the Malaguerra Winery site. Chaparral is a transitional community commonly supported through fire management. The chaparral that occurs within the Parkway is a portion of a larger serpentine chaparral community that occurs to the west of the Parkway. Given these considerations, appropriate management techniques may be difficult to implement. Additionally, within the scope of this Integrated Plan, there are resource management priorities of greater significance and the Department does not necessarily have the funding to implement every action proposed. Thus, the Department will only develop the Management Plan if an opportunity to partner with another agency becomes available or if the Department is able to acquire the entire chaparral community. This action could be developed in conjunction with the Santa Clara Valley HCP/NCCP or derive management actions from the HCP/NCCP conservation program.

ACTION B: Evaluate potential acquisition of chaparral areas to the west of Malaguerra Winery and Southern Parkway. Refer to discussion under Objective 5.3, Action A.

OBJECTIVE NRM-6.3 Protect, and where appropriate, enhance oak woodland habitat.

Rationale: Oak woodlands provide food and cover for many species of wildlife. Oaks are important to some birds and mammals as a food resource (e.g., acorns and browse). Wildlife such as foxes, western gray squirrels and mule deer have been documented using oak woodlands for food and shelter. Oak woodlands are an important element of the habitat and species diversity within the Parkway. Parks will initiate efforts to eliminate the tree-of-heaven (*Ailanthus altissima*) in the foothills adjacent to the Malaguerra Winery site and re-establish an oak savanna landscape in conjunction with overall area improvements

OBJECTIVE NRM-6.4 Protect, and where appropriate, enhance populations of specific special-status species.

Rationale: Management actions focused on habitats and landscapes such as riparian woodland or chaparral/scrub may not be enough to maintain and enhance populations of some special-status species. Additional management focused on certain species may be necessary to maintain or enhance these

populations. Certain species may be selected for special focused objectives based on the existing conditions of the corridor.

ACTION A: Protect key pond turtle habitats at Parkway Lakes and Ogier Ponds. The Riparian Habitat Corridor implements buffers that protect known pond turtle habitats within the Parkway. The Department will continue to monitor the extent of the pond turtle population and will coordinate with CDF&G, as necessary, to modify buffers should the extent of the population change in the future.

ACTION B: Enhance California red-legged frog habitat in Coyote Creek via restoration of in-stream complexity and bullfrog eradication. The Riparian Habitat Corridor implements buffers that protect known red-legged frog habitats within the Parkway (see detailed discussion in Section 3.1.1). The Department will also implement Objective 4.4, Action B and Objective 4.5, Action D. These actions to improve in-stream habitat complexity and eradicate invasive bullfrogs will greatly enhance the potential for red-legged frog to thrive within the Parkway.

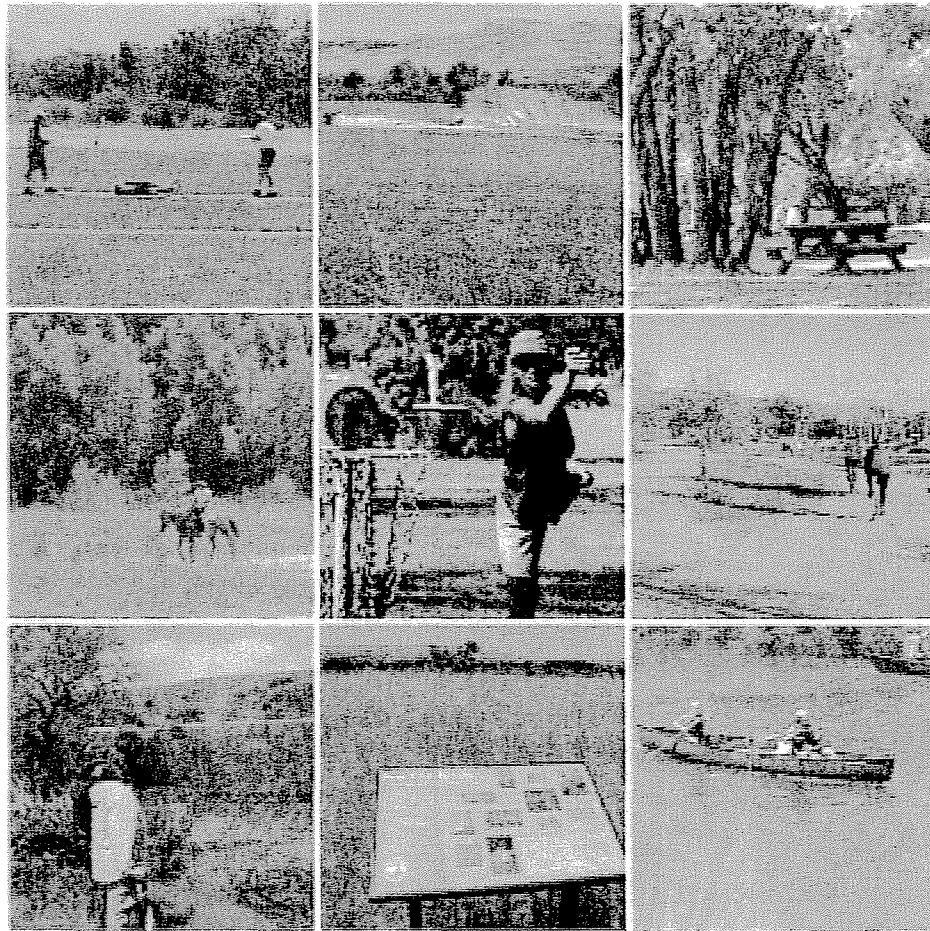
ACTION C: Enhance potential California tiger salamander habitat. The proposed Riparian Habitat Corridor implements buffers that protect potential tiger salamander habitats within the Parkway (see detailed discussion in Section 3.1.1). Department actions to improve in stream habitat quality (Objective 4.5, Action D) and restore the Riparian Habitat Corridor (Objective 4.6, All Actions) will greatly enhance the potential for the tiger salamander population to become re-established within the Parkway.

ACTION D: Evaluate continued presence of California tiger salamander within the Parkway and options for connections to known habitat in Coyote Creek tributaries. The Department will continue to look for signs of presence of the California tiger salamander within the Parkway. As Actions proposed under the NRMP would enhance existing habitats that could support tiger salamander, it is possible that the tiger salamander could become re-established in the Parkway over the life of the plan. The Department will coordinate efforts and findings with CDF&G and the Santa Clara Valley HCP/NCCP effort, as appropriate.

ACTION E: Encourage the development and implementation of a migratory bird monitoring study to determine movement patterns within Parkway.

While the Riparian Habitat Corridor provides extensive movement habitat for non-volant (i.e., non-flying) species, the extent to which the corridor supports migratory birds is not fully understood. While many migratory birds are known to use the Parkway corridor, the full complement of species that use the Parkway, including when and how they use the Parkway could be better understood. To that end, the Department will actively seek partnerships with local universities and groups such as the Point Reyes Bird Observatory and the UC Santa Cruz Predatory Bird Research Group to encourage studies of migratory bird use within the Parkway. As funding for such a study is limited, the Department will work with potential partners to seek out funding and grants to support this study.

ACTION F: Evaluate potential serpentine areas within Parkway. During the development of the Integrated Plan, serpentine areas that are known to exist within the Parkway were evaluated in order to determine the quality of those habitats and potential level of protection required. Because identified serpentine areas are within the Riparian Habitat Corridor, the only major concern is to ensure that these areas are preserved during the enhancement of the corridor. Otherwise, no additional level of protection is proposed. Serpentine areas within the Parkway may support the Bay checkerspot butterfly, but do not occur within critical habitat for the species defined in the Bay checkerspot butterfly recovery plan.



6.4 PUBLIC ACCESS AND USE MASTER PLAN PROGRAM

The Integrated Plan involves changes in existing recreation use patterns and/or facilities within the Parkway, and providing new features to provide enhanced public access for recreation and interpretive purposes. Priority projects that could realistically be initiated along the Parkway within the next 5 to 7 years are identified. Specific actions that can occur within the existing Parkway involve such items as: developing new access roads; renovating or developing new multiple-use trails and trail bridges; removing buildings or structures; and developing facilities to expand use such as parking areas, restrooms, picnic areas, and nature centers.

Figure 5 and Figures A-1 through A-8 overview the public access features of the Integrated Plan and eight individual Recreation Areas within the Parkway.

Figures T-1 through T-3 overview changes to be made in along the Coyote Creek Trail. Tables 4 and 5 present a listing of area and trail improvement projects to occur within the Parkway and identifies project priorities.

6.4.1 EXISTING USES

The Preliminary Plan retains all existing uses within the Parkway. Existing permits and leases will be continued. Significant changes in existing use patterns and/or facilities that are proposed are:

- Relocation of the Officer Gene Simpson Dog Training Area to Perry's Hill after Perry's Hill entrance road, parking and related support facilities have been implemented.
- Relocation of sections the Coyote Creek Trail away from the creek between the Burnett Recreation Area and Coyote Ranch, and between mile 14.1 and Hellyer County Park (see Section 4.4.4 below) once expansion has occurred.
- Removal of the Parque de la Raza de Paz facilities with group use opportunities transferred to Burnett, Perry's Hill, and Monterey Highway Recreation Areas once equivalent facilities have been constructed in these locations and disc golf facilities are in place at Perry's Hill.

The timeframe for these changes is dependent on funding opportunities and availability of other locations for access and use.

6.4.2 RURAL RECREATION AND HISTORIC AREAS

The general public access and facility program for the Parkway is outlined in Table 4. With the exception of trails, virtually all new public access improvements proposed in the Preliminary Plan will be made within eight Rural Recreation and Historic Areas located along the length of the Parkway. These are:

- Live Oak / Toyon Group Use Areas
- Malaguerra Visitor Center, Ranger Office, and Staging Area
- Malaguerra Winery Historic Area
- Burnett Avenue Recreation Area
- Perry's Hill Recreation Area
- Monterey Highway Recreation Area
- Coyote Ranch Historic Area
- Parque de la Raza de Paz / Disc Golf Area

Figures A-1 through A-8 present sketch plans for these areas to illustrate the general pattern of improvements proposed within each.

Vegetation

The landscape resources of use areas within the Parkway, though generally located in upland areas outside of the Riparian Habitat Corridor, are to be enhanced and managed over time based on the goals and objectives of the Resource Management Program (see also Table 2). Generally the emphasis of these upland areas will be on grassland, chaparral and oak woodland associations. Exceptions to the use of native plants will occur only within designated historic areas around the Malaguerra Winery and Coyote Ranch. Here landscapes that are consistent with the historic theme and period of the individual sites, and are known to be not highly invasive, will be permitted.

6.4.3 RIPARIAN HABITAT CORRIDOR SETBACKS

One program objective of the Integrated Plan is to identify and establish Parkway use area and facility setback zones from Coyote Creek (Objective NRM-1.2) and avoid causing or exacerbating severe erosion in Coyote Creek. (Objective NRM-2.6). Setbacks are a key component of the Integrated Plan to assure that planned recreation development and public use patterns also protect the Coyote Creek stream environment and related habitat resources. However, no one setback distance width is appropriate for all human-wildlife interactions and all setbacks must be evaluated on specific conditions of individual sites within the Parkway. An appropriate setback distance is dependent upon site-specific sensitivities to disturbance of the wildlife species present, the type of vegetation within the setback zone (e.g., tall vegetation that acts as a visual screen from human activity), and the intensity of the adjacent site development and human activity. Table 3 summarizes criteria and use guidelines for Riparian Habitat Corridor Setbacks of typical recreation uses.

TABLE 3: Setback Guidelines for Riparian Habitat Corridor Protection

Setback from edge of Habitat Corridor (feet)	Hiking Trail	Equestrian Trail	Paved Multi-Use Trail	Passive Recreation	Parking, Restrooms and Intensive Recreation (6)	Agriculture/Pastureland
Within corridor	X (1)	X (2)	X (2)	X (4)		
25-50			X (3)	X (3 and 5)		
50-100			X	X		X
100					X (3)	
200					X	

- (1) Includes point-access or short loop trails for nature observation and fishing access; may include canoe/kayak car top boat launch, boardwalks and fishing piers. Activities and facilities within the 100-year floodplain are anticipated.
- (2) If corridor fully protected on opposite side of creek channel from public access. Setbacks from creek channel should be included for water quality purposes. Bridges across creek and stream zone permitted.
- (3) With topographic barriers and/or screening / barrier plants.
- (4) Includes activities requiring no facilities (such as casual picnicking) and limited facilities related to hiking trails or water access features (such as those that support observing nature, interpretive facilities for outdoor education or scientific research).
- (5) Includes interpretive facilities, family and small group picnicking, open meadow play areas associated with picnic areas.
- (6) Includes group facilities, special event areas attracting large numbers of people, powered boating and waterskiing; regional swimming in a natural setting; regional staging areas, and specialized recreation activities of countywide significance such as model airplane flying and off-leash dog areas, or equestrian event activities.

Trail Setback Guidelines from Occupied Dwellings

The Santa Clara County Trails Master Plan Update, an element of the County's General Plan, identifies a series of mitigation measures for new trails within the County. These include the following guideline and mitigation measure:

Trails shall be sited as far away from occupied dwellings as practical. Trails not within planned road rights-of-way within the County shall be set back from occupied dwellings a minimum distance in accordance with Table G-1. Where setbacks specified in Table G-1 are not feasible, potential noise and privacy impacts must be evaluated and reduced by use of berms, fencing, landscaping and other feasible and compatible means, if necessary.

Table G-1: Trail Setbacks

<u>Land Use Category**</u>	<u>Trail Setback from Occupied Dwelling***</u>
Urban Service Areas	25 feet
Rural Residential	150 feet
Resource Conservation Areas	
Hillsides	150 feet
Agriculture	300 feet
Ranchlands	500 feet

** See Land Use Map, Santa Clara County General Plan

*** As measured from the edge of the trail tread

6.4.4 COYOTE CREEK TRAIL

The general program for the Coyote Creek Trail is outlined in Table 5. Figures T-1 through T-3 illustrate the existing Coyote Creek Trail and associated proposed access and public convenience facilities. Table 5 is keyed to the mileage markers shown in Figures T-1 through T-3. Table 5 lists, by segment, recommended actions and priorities to improve the existing trail to allow for full multiple use of the alignment.

A variety of conditions exists along the 15 miles of Coyote Creek within the Parkway that affects both trail location and design. Generally, downstream from the Ogier Ponds, the existing Parkway trail alignment is significantly constrained by its proximity to Coyote Creek, the width of the Parkway, and developed lands immediately adjacent to the Parkway boundary. There is not adequate area, for example, for the creation of a separate equestrian trail.

The Coyote Creek Trail is identified in the Santa Clara County Trails Master Plan Update as a multiple-use trail. Portions of it also serve as the interim alignment of the Bay Area Ridge Trail System (reference Regional Trail R5-C, the El Sombroso / Penitencia Trail, that follows the Coyote Creek Trail connecting Santa Teresa County Park with Penitencia Creek). To this end, equestrian use should be accommodated along the length of the Parkway. Where a separate trail is not feasible, a widened equestrian shoulder will be developed.

Parkway Trail Widths

The existing Coyote Creek Trail is 10 feet wide from the Malaguerra Avenue staging area to the creek crossing downstream from the Ogier Ponds (near Palm Avenue). From that point downstream to Hellyer Park the trail varies in width from 8 to 10 feet. As the trail is rehabilitated, County guidelines for new paved multi-use trails are for an optimum 12-foot width with 2-foot-wide flush shoulders (6 feet for equestrian use) or clear space on each side of the trail. Trail Sections 1 through 4 present typical sections for new portions of the Coyote Creek Trail to be constructed within the Parkway. Trail Section 5 illustrates the relationship of the Coyote Creek Trail to the Riparian Habitat Corridor.

Relationship of Coyote Creek Trail to Coyote Creek

All low-flow crossings will eventually be removed to enhance the habitat values of the creek channel. New, equestrian-friendly bridges will be provided to enhance the continuity of the trail experience.

There are two hydrologic thresholds that affect the location, use and management of the Coyote Creek Trail as portrayed in the Integrated Plan. A normal winter release from Anderson Dam by the Santa Clara Valley Water District is approximately 600 cubic feet per second. During these releases low-flow crossings of the creek and some sections of the existing Parkway trail are inundated. The most common trail segment to be closed is from Silver Creek Staging Area downstream to Hellyer Park. The Integrated Plan therefore recommends Parkway expansion to accommodate a new trail alignment from approximately trail mile 14.1 (see Figure T-3) to Hellyer Park.

The Integrated Plan addresses relocation of sections of the Parkway trails away from the 600 cubic feet per second flow level or raising the trail surface so that it is not impacted from those flows. One aspect of the long-term vision for the Coyote Creek Trail (see Figure 5) is to relocate the trail to the west of the Riparian Habitat Corridor between the Burnett Staging Area and the Coyote Ranch consistently away from this low-flow creek channel. However, the Integrated Plan does not entirely remove the Coyote Creek Trail from the 100-year floodplain where the floodplain extends for a significant distance west to Monterey Highway.

Trail Maintenance

Paved sections of the Coyote Creek Trail constructed after 1991 include:

- from near Burnett Avenue (see Figure T-1, mile 0.75) downstream to the low-flow creek crossing near Coyote Ranch (see Figure T-2, mile 7.4)
- from north of Silver Creek Valley Boulevard (see Figure T-3, mile 12.6) downstream to the back of Litton Industries (see Figure T-3, mile 13.9)

The typical design for these trail sections included a 10-foot-wide paved path (composed of: 2" asphalt with fog-seal over 4" compacted aggregate base rock) and 3-foot-wide shoulders (at maximum 2% slope). In addition, a 3-foot-wide area clear of brush on the creek side of trail and 5-foot-wide clearance beyond the shoulder on the side of the trail away from the creek were incorporated into the design. Over the years this design has not been fully maintained.

As a high priority, these segments should be maintained to the trail's original design standard per the Department's original 1601 Lake and Streambed Alteration Agreement with the California Department of Fish and Game. If necessary, renewal of the Department's 1601 Agreement in 2008 should reflect a return to these maintenance standards for all trails within the Parkway. This level of maintenance is necessary in order to assure safe shared use of the trails and to accommodate equestrian use of the trail shoulders.

TABLE 4: Public Access Actions and Priorities

Facility or Use	Priority Program Actions	Future Program Actions
Toyon / Live Oak Group Areas See Figure A-1	<ul style="list-style-type: none"> Rehabilitate existing day use areas to include: <ul style="list-style-type: none"> Connecting trail Two new pedestrian bridges to direct use away from creek edge. One is an existing project to replace a culvert that was damaged in 2005 from releases from Anderson Dam Water line under creek Perimeter use area trails Habitat access control fencing Water access points Interpretive trail to spillway overlook Interpretive signs 	<ul style="list-style-type: none"> Revegetate creek environment outside defined use areas.
Anderson Visitor Center / Office / Malaguerra Staging Area See Figure A-2	<ul style="list-style-type: none"> Located at the Malaguerra Staging Area, remove the existing facilities and construct approximately 7,000 to 9,000 square feet of building space and a storage area of approximately 30,000 square feet with utility connections to City of Morgan Hill water and sewer services. Renovate existing general and equestrian staging to accommodate approximately 20 vehicles and 2 horse trailers. Revegetate all disturbed areas outside defined use areas. 	
Anderson Visitor Center / Office / Peet Road Orchards Recreation Area See Figure A-2		<ul style="list-style-type: none"> Retain for potential future use (use not designated). Realign nature area trail and equestrian / Coyote Creek Trail relative to expanded Riparian Habitat Corridor.
Malaguerra Winery and Fields See Figure A-4	<ul style="list-style-type: none"> Continue existing retriever training (use permit) in field area. Remove unoccupied house and outbuildings; revegetated disturbed areas. 	<ul style="list-style-type: none"> Develop two lane multiple-use bridge from Burnett Avenue to Malaguerra Winery area. Develop associated access improvements to include: <ul style="list-style-type: none"> Parking area for 40 cars near the winery Water and restrooms (portable) Picnic area Renovate historic winery building as museum interpreting agriculture in the Coyote Valley region; include docent space. Develop interpretive history trail loop accessible from Peet Road Orchards and Burnett Avenue Recreation Areas. Solicit proposals for contract organic vineyard.

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
Burnett Avenue Recreation Area See Figure A-3		<ul style="list-style-type: none"> Expand staging area upon completion of the Burnett Avenue Bridge (see Malaguerra Winery and Fields above) to include: <ul style="list-style-type: none"> Parking area for 160 cars Equestrian staging Family and group picnic (one group area designed for equestrian use) Water and restrooms Multi-purpose active recreation use area (use not designated)
Santa Clara County Model Aircraft Skypark	<ul style="list-style-type: none"> Continue use in existing designated area (permit). Develop restrooms. 	<ul style="list-style-type: none"> Develop public picnic / observation area. Plant riparian shade trees around parking / use area. Initiate native grassland management program in airfield area.
Ogier Ponds (existing use includes field sports and water training of retrievers)	<ul style="list-style-type: none"> Continue use in existing designated area (permit). 	<ul style="list-style-type: none"> Evaluate need to restrict annual period of use based on resource conditions. Redefine use permit area upon completion of Coyote Creek Parkway Nature Center and related interpretive trails (see Perry's Hill Recreation Area).
Perry's Hill Recreation Area See Figure A-5	<ul style="list-style-type: none"> Develop new access road from Golf Course Drive to the Model Aircraft Skypark with parking bays. Realign Coyote Creek Trail to avoid crossing the new entry road (see Table 5). Remove existing access road from Monterey Highway to the Model Aircraft Skypark, including low-flow crossing of Coyote Creek; renovate as component of Riparian Habitat Corridor. Develop associated access improvements to include: <ul style="list-style-type: none"> Staging area for 40 cars near the entrance Water and restrooms (portable) Picnic area Trail connector from the staging area to the Coyote Creek Trail Set aside area up to 20 acres in which the Silicon Valley Disc Golf Club may construct an 18-hole disc golf course and related hiking trail Construct 18-hole disc golf course and related hiking trail Construct Coyote Creek Parkway Nature Center. Develop interpretive trail loop to / through ponds and creek. Identify an approximate 5-acre overflow parking area for special events at the Santa Clara County Model Aircraft Skypark. 	<ul style="list-style-type: none"> Develop additional access/use facilities as needed to include: <ul style="list-style-type: none"> Entry kiosk Equestrian staging Restrooms Family and group picnic areas Water and restrooms Overlook points Outdoor classrooms and water access points along interpretive trail Canoe / kayak access to Ogier ponds and storage facility (use limited to interpretive / educational programs) Relocate Officer Gene Simpson Dog Training Area. Multi-purpose active recreation uses as demand demonstrates. Regional swimming facility.

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
Monterey Highway Recreation Area See Figure A-6		<ul style="list-style-type: none"> Develop associated access improvements to include: <ul style="list-style-type: none"> Area staging Family and group picnic Water and restrooms (well and leach field) Coyote Creek Parkway Nature Center (alternative site) Interpretive loop trail and wetlands Construct connector trail between Coyote Creek Trail and Monterey Highway.
Malech Property		<ul style="list-style-type: none"> Relocate to Perry's Hill Recreation Area Renovate / revegetated site as a component of the Riparian Habitat Corridor.
Coyote Ranch Historic Site See Figure A-7	<ul style="list-style-type: none"> Realign the Coyote Creek Trail with equestrian shoulder parallel to the Coyote Ranch boundary fence replacing approximately 2,000 feet of the existing trail. Remove / revegetated abandoned trail. Construct new staging area and restrooms. Install directional signing from Monterey Highway to new staging area. Remove and revegetate trail sections replaced by new trail alignment. 	<ul style="list-style-type: none"> Plant riparian and native species within lease area. Install interpretive and information signs along Coyote Creek Trail. Renovate landscape of Coyote Ranch Road entrance from Monterey Highway to match character of Historic Site.
Parkway Lakes	<ul style="list-style-type: none"> Continue operation as public "put and take" fishing area (lease). Install fish screen between lake and creek. 	<ul style="list-style-type: none"> Renovate shoreline edge / riparian planting Install interpretive signs near entrance and within lease area. Evaluate other resource enhancement in conjunction with SCVWD plans for Coyote Percolation Ponds Pave entrance / parking areas. Install fencing / other barriers to define vehicular circulation areas.
Coyote Percolation Pond (Waterskiing)	<ul style="list-style-type: none"> Continue waterskiing use (permit) 	<ul style="list-style-type: none"> Eliminate use if required by SCVWD pond design / management program under FAHCE agreement. In coordination with SCVWD pond design / management under FAHCE program implement: <ul style="list-style-type: none"> Shoreline redesign / bank stabilization Canoe / kayak trail access point Restrooms Picnic / observation area Additional off-street parking
Metcalf Park	<ul style="list-style-type: none"> No changes; continue existing use - City of San Jose (lease). Monitor existing use and improvements. 	
Shady Oaks Park	<ul style="list-style-type: none"> Monitor and comment on proposed City of San Jose park 	

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
Silver Creek Staging Area Hellyer Avenue (disc golf)	<ul style="list-style-type: none"> improvement plans (lease). No changes. Continue existing use (permit). 	<ul style="list-style-type: none"> Redesign course based on expansion of Parkway and re-routing of Coyote Creek Trail (see Figure A-8).
Parque de la Raza de Paz See Figure A-8	<ul style="list-style-type: none"> Initiate restoration of Parque de la Raza de Paz as a component of the Riparian Habitat Corridor to include: <ul style="list-style-type: none"> Removal of the upper restroom and parking area Revegetation of disturbed areas as a open meadow with native trees. Establishment of a perimeter use area "boundary" trail with rail fence. Removal of exotic species and revegetate area outside of fence as a component of the Riparian Habitat Corridor <p><u>Note:</u> The lower area parking and restroom facilities to remain available for group and disc golf use on a reservation / permit basis until such time as facilities are completed at Perry's Hill Recreation Area.</p>	<ul style="list-style-type: none"> Upon the completion of road, parking areas, and 18-hole disc golf course at Perry's Hill Recreation Area, remove all facilities and complete restoration as a component of the Riparian Habitat Corridor.

TRAIL STAGING AREAS

Regional Staging Area Roadside or area staging areas	<ul style="list-style-type: none"> Develop staging facilities at Perry's Hill Recreation Area. Develop staging facilities at: <ul style="list-style-type: none"> Coyote Ranch Historic Site 	<ul style="list-style-type: none"> Develop staging facilities at: <ul style="list-style-type: none"> Burnett Avenue Recreation Area Monterey Highway Recreation Area
Coyote Creek canoe / kayak trail	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> If feasible based on flow regimes to be established by SCVWD develop put-in and take out facilities at: <ul style="list-style-type: none"> Live Oak Use Area Coyote Percolation Pond

DISPERSED RECREATION

Coyote Creek fishing program	<ul style="list-style-type: none"> Continue fishing program at Parkway Lakes. Continue dispersed fishing along creek and related ponds. 	
Off-creek ponds for non-motorized boating	<ul style="list-style-type: none"> Continue boating at Parkway Lakes. 	

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
COYOTE CREEK MULTI-USE TRAIL – ACTIVITIES WITHIN EXISTING PARK BOUNDARIES (for specific trail segments see Table 5 and Figures T-1, T-2 and T-3)		
All Segments	<ul style="list-style-type: none"> • Sign entire trail for multiple uses (including equestrian use). • Conduct annual maintenance per 1601 Lake and Streambed Alteration Agreements (see also Section 4.4, Trail Maintenance). 	<ul style="list-style-type: none"> • Provide benches and / or rest stops at regular intervals.
Trail bridges to remove low-flow crossings	<ul style="list-style-type: none"> • See Figures T-1, T-2 and T-3. • Install new general use / equestrian-friendly bridges approximately at: <ul style="list-style-type: none"> • Trail mile 6.7: approximately 250 feet in length • Trail mile 7.3: approximately 400 feet in length 	
Improvements (bridges / culverts / retaining walls) to avoid low-flow crossings / major drainage use by equestrians	<ul style="list-style-type: none"> • See Figures T-1, T-2 and T-3. • Construct retaining wall under Highway 101 overcrossing (trail mile 1.4): to provide sufficient trail width for equestrian use. • Replace existing bridges with new general use / equestrian-friendly bridges approximately at: <ul style="list-style-type: none"> • Trail mile 4.1 • Trail mile 8.7 • Trail mile 10.4 • Trail mile 10.8 • Construct culvert and related trail modifications at trail mile 12.9. 	
From: Malaguerra Staging Area To: Ogier Ponds	<ul style="list-style-type: none"> • Provide separate equestrian trail where feasible. • Refurbish to include 6-foot wide equestrian shoulder where separate equestrian trail is not feasible. • Set back from Riparian Habitat Corridor where feasible. 	<ul style="list-style-type: none"> • Widen to 12 feet with equestrian shoulder when additional use warrants or in sections that are outside of Riparian Habitat Corridor.
From: Ogier Ponds To: Coyote Ranch	<ul style="list-style-type: none"> • Refurbish to include 6-foot wide equestrian shoulder where feasible. • Provide separate equestrian trail through Coyote Ranch. • Replace low-flow crossings with equestrian-friendly bridges. • Renovate intersections at Coyote Ranch Road and Riverside Avenue. • Renovate or expand existing bridges to facilitate equestrian use. 	<ul style="list-style-type: none"> • Widen to 12 feet with equestrian shoulder when additional use warrants or in sections that are outside of Riparian Habitat Corridor.
From: Coyote Ranch To: Mile 14.1	<ul style="list-style-type: none"> • Provide separate equestrian trail through Metcalf Park area • Widen to 12 feet with 6-foot-wide equestrian shoulder where separate equestrian trail is not feasible. • Replace low-flow crossings with equestrian-friendly bridges • Replace bridge crossings at Silver Creek Valley Boulevard. • Redesign intersections at Metcalf Road and under-crossings of Silver Creek Valley Boulevard and Silicon Valley Boulevard 	

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
From: Mile 14.1 to To: Hellyer County Park	<ul style="list-style-type: none"> No changes until trail can be relocated. 	
COYOTE CREEK MULTI-USE TRAIL – WITH PARKWAY EXPANSION		
From: Malaguerra Staging Area	<ul style="list-style-type: none"> See Table 5. 	
To: Burnett Avenue		
From: Burnett Avenue	<ul style="list-style-type: none"> See Table 5. 	<ul style="list-style-type: none"> Relocate trail to west side of creek, Riparian Habitat Corridor, and 100-year flood zone (where possible). Locate equestrian trail parallel to multi-use trail but set back a minimum of 25' where feasible. Remove existing trail on east side of from Palm Avenue bridge crossing to Coyote Ranch. Evaluate downgrading existing trail from Burnett Avenue to Model Airplane Area to a hiking and riding trail based on use at that time.
To: Coyote Ranch		
From: Coyote Ranch	<ul style="list-style-type: none"> See Table 5. 	
To: Silver Avenue		
From: Silver Avenue	<ul style="list-style-type: none"> Relocate trail to east away from creek zone. 	
To: Hellyer		

COUNTYWIDE TRAIL ROUTE CONNECTIONS

Regional Trail / Route R1-A and S5	<ul style="list-style-type: none"> Develop trail connection from Burnett Avenue Recreation Area south along SCVWD levee from crossing of Burnett Avenue (Coordination required with Santa Clara Valley Water District and City of Morgan Hill). 	
Regional Trail / Route R5-D	<ul style="list-style-type: none"> Develop trail connection from Malaguerra Winery area east (dependent of Parkway expansion). 	
Connector Trail / Route C21 - Silver Valley Trail	<ul style="list-style-type: none"> Improve trail connection from Silver Valley Boulevard Trail (City of San Jose lead). 	
Connector Trail / Route C23 - South Metcalf Trail	<ul style="list-style-type: none"> Improve trail connection from Basking Ridge Trail (City of San Jose lead). 	
Connector Trail / Route C24 - Willow Springs Trail	<ul style="list-style-type: none"> Develop trail connection Burnett Avenue Bicycle Trail (City of Morgan Hill lead). 	
Cross County Bicycle Corridor / Route #7: Monterey Highway	<ul style="list-style-type: none"> Develop trail connection at Monterey Avenue Recreation Area and Malech property to Monterey Highway. 	

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
LOOP, POINT ACCESS, AND TRAIL-RELATED USE AREAS		
Walnut Rest Area		<ul style="list-style-type: none"> Develop drinking water.
Eucalyptus Rest Area		<ul style="list-style-type: none"> Incorporate improvements into Perry's Hill Recreation Area.
Sycamore Rest Area		<ul style="list-style-type: none"> Remove when trail is relocated to west side of creek.
Additional Rest Areas		<ul style="list-style-type: none"> Construct along trail so that water is available an minimum of every 3.0 miles (See Figures T-1, T-2 and T-3.
Loop and Point Access Trails	<ul style="list-style-type: none"> Develop Perry's Hill Recreation Area foot trail (in conjunction with disc golf course). Develop Live Oak / Toyon link trail. 	<ul style="list-style-type: none"> Develop point access and Interpretive trail loops around Malaguerra Winery. Develop Perry's Hill Recreation Area / Ogier Ponds interpretive trail loop. Develop Monterey Highway Recreation Area Interpretive trail loop.
INTERPRETIVE / AGRICULTURE PROGRAM		
Preserve viable agricultural soils and, where appropriate, encourage agriculture		<ul style="list-style-type: none"> Solicit proposals for contract organic vineyard at Malaguerra Winery fields area.
INTERPRETIVE PROGRAM		
Live Oak / Toyon Group Areas	<ul style="list-style-type: none"> See above. 	
Coyote Ranch		<ul style="list-style-type: none"> See above.
Malaguerra Winery		<ul style="list-style-type: none"> See above.
Coyote Creek Parkway Nature Center	<ul style="list-style-type: none"> See Perry's Hill Recreation Area above (Monterey Highway recreation Area as alternate site). 	
Watchable Wildlife Program and related facilities		<ul style="list-style-type: none"> Develop overlooks and blinds at key locations at Perry's Hill and Monterey Highway Recreation Area interpretive trails.
Juan Bautista de Anza National Historic Trail		<ul style="list-style-type: none"> Develop specific signs and incorporate into trail interpretive sign program.
Interpretive signage		<ul style="list-style-type: none"> Develop Coyote Creek Trail as an interpretive trail with signs keyed to Parkway's natural and cultural resources (to be completed) at regular locations along the trail

TABLE 4: Public Access Actions and Priorities (continued)

Facility or Use	Priority Program Actions	Future Program Actions
		(See Figures T-1, T-2, and T-3 for locations).
PARKWAY-WIDE		
Parkway Sign Program	<ul style="list-style-type: none"> Initiate a comprehensive use and management sign program for the Parkway starting with Coyote Creek Trail (see also Table 5). 	<ul style="list-style-type: none"> Develop park identity and entrance kiosk signs.
Boundary Management	<ul style="list-style-type: none"> Install habitat access control fencing around Tennant Marsh. 	<ul style="list-style-type: none"> Improve property line fencing as necessary or as requested by adjacent property owners.

TABLE 5: Coyote Creek Trail Improvements and Priorities (see Figures T-1, T-2 and T-3)

MILE	IMPROVEMENT / ACTION	TIMING
All Sections	<ul style="list-style-type: none"> sign entire trail for multiple uses (including equestrian use where appropriate) conduct annual maintenance per 1601 Lake and Streambed Alteration Agreements (see also Section 4.4, Trail Maintenance) 	<ul style="list-style-type: none"> priority priority
0.0 to trail bridge	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) new equestrian trail (see Figure A-2) trail use / direction signs at intersections sign trail bridge for equestrians dismount platform on each side of bridge for equestrians 	<ul style="list-style-type: none"> future future priority priority priority
trail bridge to 1.2	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) equestrian trail on SCVWD levee install trail use / direction signs at intersections 	<ul style="list-style-type: none"> future existing priority
1.2 to 1.5	<ul style="list-style-type: none"> expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) trail use / direction signs at intersections 	<ul style="list-style-type: none"> future priority
1.5	<ul style="list-style-type: none"> retaining wall and expanded trail under Highway 101 overcrossing shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority
1.5 to 2.0	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) locate separate equestrian trail north of paved trail (may require closure of landfill site) trail use / direction signs at intersections 	<ul style="list-style-type: none"> future priority priority
2.0 to 2.3	<ul style="list-style-type: none"> add equestrian shoulder expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) increase height of model airplane security fencing shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority future priority priority
2.3 to 2.7	<ul style="list-style-type: none"> relocate trail to existing model airplane access route (see Trail Section 1) locate separate equestrian trail east of paved trail rail fence between trails trail use / direction signs at intersections 	<ul style="list-style-type: none"> priority priority priority priority
2.7 to 3.5	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) locate separate equestrian trail east of paved trail rail fence between trails 	<ul style="list-style-type: none"> future priority priority
3.5 to 3.7	<ul style="list-style-type: none"> add equestrian shoulder expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) trail use / direction signs at intersections shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority future priority priority
3.7 to bridge	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) locate separate equestrian trail north of paved trail install rail fence between trails if necessary 	<ul style="list-style-type: none"> future priority future
bridge	<ul style="list-style-type: none"> dismount platform on each side of bridge for equestrians sign replace with new shared-use, equestrian-friendly bridge (14' width) 	<ul style="list-style-type: none"> priority priority priority
bridge to 4.1	<ul style="list-style-type: none"> new alignment for paved trail to 12' width with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority
4.1 to 4.4	<ul style="list-style-type: none"> abandon / remove trail; restore new alignment for paved trail to 12' width (see Trail Section 1) separate equestrian trail located east of paved trail rail fence on east side of equestrian trail trail use / direction signs at intersections 	<ul style="list-style-type: none"> priority priority priority priority priority
4.4 to 4.6	<ul style="list-style-type: none"> add equestrian shoulder expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) trail use / direction signs at intersections shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority priority priority

TABLE 5: Trail Improvements by Segment (continued)

MILE	IMPROVEMENT / ACTION	TIMING
4.6 to Riverside Drive	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) sign as shared-use trail 	<ul style="list-style-type: none"> future priority
Riverside Drive Bridge	<ul style="list-style-type: none"> new vehicular bridge with 12' trail lane separated from vehicular lane(s) sign as shared-use trail 	<ul style="list-style-type: none"> future future
Riverside Dr. to 6.7 (bridge)	<ul style="list-style-type: none"> expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) raise trail above normal release level (660 cfs) shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority priority
Bridge	<ul style="list-style-type: none"> new shared-use, equestrian-friendly bridge (14' width) dismount platform on each side of bridge for equestrians sign abandon / remove trail and low-flow crossing; restore 	<ul style="list-style-type: none"> priority priority priority priority
Bridge to 7.1	<ul style="list-style-type: none"> abandon / remove trail; restore new shared-use trail alignment, 12' width with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority priority
7.1 to 7.4	<ul style="list-style-type: none"> expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority
Bridge	<ul style="list-style-type: none"> new shared-use, equestrian-friendly bridge (14' width; approximately 400' length) dismount platform on each side of bridge for equestrians sign abandon and remove trail and low-flow crossing 	<ul style="list-style-type: none"> priority priority priority priority
Bridge to 7.5 (Coyote Ranch Road)	<ul style="list-style-type: none"> new 12' width shared-use trail alignment with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) remove abandoned trail 	<ul style="list-style-type: none"> priority priority priority
7.5 to 7.7 (Coyote Ranch Entrance)	<ul style="list-style-type: none"> new equestrian alignment inside ranch fence line sign trail intersections expand paved trail to 12' width (see Trail Section 1) 	<ul style="list-style-type: none"> priority priority future
7.7 to 8.2	<ul style="list-style-type: none"> new 12' width shared-use trail alignment with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) remove abandoned trail trail connection to staging area 	<ul style="list-style-type: none"> priority priority priority future
8.2 to Metcalf Road	<ul style="list-style-type: none"> new equestrian shoulder expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) trail use / direction signs at intersections shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority future priority priority
Metcalf Road	<ul style="list-style-type: none"> signalized trail crossing / warning with accessible pedestrian/equestrian controls; road and trail signs; pavement markings 	<ul style="list-style-type: none"> priority
Metcalf Road to Bridge	<ul style="list-style-type: none"> sign as shared-use trail dismount platform on each side of bridge for equestrians sign expand paved trail to 12' width (see Trail Section 1) replace with new shared-use, equestrian-friendly bridge (14' width) 	<ul style="list-style-type: none"> priority priority priority future future
Bridge to 9.0	<ul style="list-style-type: none"> expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority
9.0 to 9.6	<ul style="list-style-type: none"> expand paved trail to 12' width (see Trail Section 1) separate equestrian trail on SCVWD levee install trail use / direction signs at intersections 	<ul style="list-style-type: none"> priority priority priority
9.6 to 10.8	<ul style="list-style-type: none"> expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) shared-use trail signs along trail (with equestrian on shoulders) 	<ul style="list-style-type: none"> priority priority

TABLE 5: Trail Improvements by Segment (continued)

MILE	IMPROVEMENT / ACTION	TIMING
10.4	• new shared-use, equestrian-friendly bridge (14' width)	• priority
10.8	• new shared-use, equestrian-friendly bridge (14' width)	• priority
10.8 to 12.4	• new equestrian shoulder • expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) • shared-use trail signs along trail (with equestrian on shoulders)	• priority • future • priority
12.4 to 12.5	• expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) • retaining wall and expanded trail under Silver Creek Valley Boulevard • shared-use trail signs along trail (with equestrian on shoulders)	• future • future • future
12.5 to 14.1	• new equestrian shoulder • sign as shared-use trail • expand paved trail to 12' width with equestrian shoulder (see Trail Section 2) • shared-use trail signs along trail (with equestrian on shoulders)	• priority • priority • future
12.9	• new culvert	• priority
14.1 to Highway 101	• sign as shared-use trail • new shared-use trail alignment, 12' width with equestrian shoulder (see Trail Section 2) (note: requires park expansion) • shared-use trail signs along trail (with equestrian on shoulders) • abandon / remove trail and restore	• priority • priority • priority • priority

6.4.5 GOALS, OBJECTIVES, AND ACTIONS

The following summarizes how the recreation use areas and facilities, historical and agricultural resources, and interpretive facilities address the Integrated Plan's goals and objectives outlined in Section 4.0.

6.4.5.1 Recreation Use Areas and Facilities

GOAL PR-1 Consistent with resource programs, retain existing recreational use areas and facilities where feasible. (PR Guidelines #1, #2, and #3).

OBJECTIVE PR-1.1 Retain and enhance, where appropriate, existing recreation opportunities provided by lessees and permittees.

Rationale / Action: A variety of recreation opportunities of Countywide significance are provided within the Parkway by private groups and lessees. These recreation opportunities will be continued, assuming: sustained interest in doing so is expressed by the individual lessee or permittee; and that the use is consistent with the Fundamental Guidelines for the Parkway. In most cases lessees and permittees have contributed significantly to the County in providing facilities and maintaining them. However, there are facility improvements that could be made in cooperation with the County that would enhance the recreation experience of the general Parkway user. Also, the relationship between the recreation use and resource management activities could be strengthened in selected areas. Actions and enhancements include:

- **Retriever Training at Malaguerra Winery and Fields** -- Continued existing retriever training use permit in field area.
- **Model Airplane (Santa Clara County Model Aircraft Skypark)** -- The lease agreement will be continued. In cooperation with the lessee, permanent restrooms and trail access to a public picnic / observation area will be developed. Long-term associated resource management activities would include planting riparian shade trees around parking / use areas and initiating a native grassland management program in airfield area.
- **Field sports and water training of retrievers at Ogier Ponds**-- Continue existing retriever training use permit in field area. Upon completion of the Coyote Creek Parkway Nature Center and related interpretive trails at Perry's Hill Recreation Area, consideration will be given to redefining the use permit area.
- **Officer Gene Simpson Dog Training Area**-- In the near term, the existing dog training use permit will be continued. After completion of the road and parking areas, the area will be relocated to Perry's Hill Recreation Area with provision of shade trees, nearby permanent restrooms, a clubhouse with electricity and water for the various user groups, and a relatively small turf area for dog training. The existing

use area would be revegetated as a component of the Riparian Habitat Corridor.

- **Coyote Ranch** -- The lease agreement will be continued. Coyote Ranch is a part of an old historic land grant nestled on the banks of Coyote Creek. The Coyote Ranch provides opportunities for special events and large gatherings. Existing use sometimes runs as high as 4,000 to 5,000 people per day. This type of facility has been identified as a Countywide need to accommodate any number of uses such as festivals, outdoor concerts, and areas with facilities relating to specific forms of recreation such as arena and trail-related equestrian events. Parkway improvements to support the Coyote Ranch in this role are:
 - Construction of a new trail staging area and restrooms located outside the Ranch complex to avoid trail users entering the Ranch to park, use restroom facilities, make emergency calls, or for general interest and curiosity
 - Renovation of the landscape of the Coyote Ranch Road entrance from Monterey Highway to match the character of historic site.
 - Installation of signs to the Ranch and new staging area from Monterey Road and the Highway 101 / Bailey Avenue interchange and any future roadway improvements associated with the Coyote Valley Specific Plan.
 - Improved Coyote Creek Trail signage to clearly inform the public that the Coyote Ranch is a fee area and not generally open to casual drop-in use, and to provide contact information.
 - Trail-related interpretative signage / information about the Ranch and its place in history of the Coyote Valley.
 - Realignment of the Coyote Creek Trail with an equestrian shoulder parallel to the Coyote Ranch boundary fence replacing approximately 2,000 feet of the existing trail with removal and revegetation of the abandoned trail.
- **Coyote Percolation Pond Waterskiing (Santa Clara County Water Ski Club)** – To be continued as a permit activity unless required by the Santa Clara Valley Water District to be removed based on pond designs / management programs to be determined under the FAHCE agreement. In coordination with the SCVWD pond design / management under FAHCE program, develop permanent restrooms, drinking water, and shoreline observation areas / bleachers if possible. Associated resource management activities could include shoreline stabilization and enhancing riparian revegetation.
- **Parkway Lakes** – The lease agreement will be continued as a public “put and take” fishing area. An effective fish screen separating the creek from the lakes will be installed. Other potential improvements include: provision of paved access for dust control; expanded ADA facilities and fishing platforms; centralized maintenance facilities. Associated resource management activities to be evaluated in conjunction with SCVWD plans for the adjacent Coyote Percolation Ponds include shoreline stabilization and riparian revegetation.
- **Disc Golf** – Disc golf at its current location will be retained. Interim use of the Parque De La Raza De Paz for an additional nine holes of play will be accommodated. Upon the completion of the road and parking areas, an 18-hole disc golf course at Perry’s Hill Recreation Area will be developed. At such time, all facilities will be removed from Parque

De La Raza De Paz and the area will be enhanced as a component of the Riparian Habitat Corridor.

OBJECTIVE PR-1.2 Retain and, where appropriate, relocate specialty dog-use areas to enhance a Riparian Habitat Corridor.

Rationale / Action: There are a number of dog clubs that use various areas within the Parkway. These areas range in scale and include: specialty dog training facilities at the Officer Gene Simpson Dog Training Area; general field sports and water training around the Ogier ponds; and retriever training in the fields near the Malaguerra Winery. These uses will be continued (see also description in Objective PR-1.1 concerning the Officer Gene Simpson Dog Training Area).

GOAL PR-2 Enhance the multi-use trail system of the Parkway while providing manageable access points. (PR Guideline #2)

OBJECTIVE PR-2.1 Re-establish a designated equestrian trail between the Silver Creek Staging Area and the connection with the planned Llagas Creek Trail.

Rationale / Action: With creek flooding and a reduction in annual maintenance programs, many sections of the existing equestrian trail are now difficult to find, disjointed by creek wash-outs, and not passable because of overgrown vegetation. As a priority, either a separate equestrian trail will be designated where feasible or the Coyote Creek Bicycle Trail will be expanded to include an shoulder adequate to accommodate equestrian use along the entire length of the Parkway.

OBJECTIVE PR-2.2 To the extent practical, relocate all components (bicycling, hiking and equestrian use) of the Coyote Creek Trail to one side of the creek.

Rationale / Action: In order to maximize the viability of a riparian wildlife corridor, the paved multi-use trail and the equestrian trail will be located on the same side of the creek to allow the other side of the creek to be free of human influence.

OBJECTIVE PR-2.3 Provide additional trail staging areas to encourage trail use and accommodate growth.

Rationale / Action: Urbanization around the Parkway will continue for the next twenty to thirty years. Some open areas of the Parkway north of Metcalf Road will continue to be developed for industrial park and residential uses. However, significant new development is anticipated in the Coyote Valley and in Morgan

Hill. This will create increased demand for trail access. In addition to retaining existing staging opportunities, new staging areas will be developed over time to include:

- regional staging at the Perry's Hill Recreation Area
- roadside or area-wide staging at the Burnett Avenue Recreation Area (emphasizing equestrian use), the Monterey Highway Recreation Area, and adjacent to Coyote Ranch

The Perry's Hill Recreation Area is consistent with the criteria for a Regional Staging Area identified in the Countywide Trails Master Plan. It is located south of Metcalf Road and easily accessible from Highway 101, will encourage use of the Regional and Sub-regional trail route system, and be a day-use facility that also:

- allows for ease of management and security
- offers a potential of future expansion
- is of sufficient size to buffer trail staging activities from potential land use conflicts
- has the potential for linkage with a public transit route or for weekday use as a park and ride facility

OBJECTIVE PR-2.4 Provide connections to Regional, Sub-regional, and Connector trails as identified on the Countywide Trails Master Plan.

Rationale / Action: The Coyote Creek Trail, in conjunction with the Llagas Creek Trail, is a Sub-Regional Trail route identified in the Trails Master Plan (Route S5) extending from the Alameda County line and the Bay Trail (Route R4) to the San Benito County line and the Monterey-Yosemite Trail (Route R2). Portions of the Coyote Creek Trail also serve as parts of the Juan Bautista de Anza National Historic Trail (Route R1) and the Bay Area Ridge Trail (Route R5-D). Within the Parkway other Regional, Sub-regional, and Connector trails to be linked with the Coyote Creek Trail are:

Regional Trails

- Route R1 (R5-D) - Juan Bautista de Anza National Historic Trail: Connecting from the Penitencia / El Sombroso portion of the trail at Parkway Lake south along Coyote Creek to Lake Anderson County Park and the Bay Area Ridge Trail.

Sub-regional Trails

- Route S7- Morgan Hill Cross-Valley Trail: an east-west route extending from the West Valley Sub-regional Trail (Route S6) through the Parkway to Lake Anderson County Park.

Connector Trails

- Route C21 - Silver Valley Trail: connecting the Parkway with Joseph D. Grant County Park.

- Route C23 - South Metcalf Trail: connecting the Parkway with the Bay Area Ridge Trail (R5-B) east of the Parkway.
- Route C24 - Willow Springs Trail: an on-street bicycle route connecting the Parkway with Chesbro Reservoir.

OBJECTIVE PR-2.5 Provide connections to the Cross County Bicycle Corridor

Rationale / Action: As shown in the Santa Clara Countywide Bicycle Plan, The Coyote Creek Trail parallels the Cross County Bicycle Corridor Route #7. Route #7 is a high-stress (HS) on-street bicycle route on Monterey Road. The Coyote Creek Trail is identified as a low-stress (LS) alternative to Monterey Road. To give the commute bicyclist options for travel connections between the two link trails will be provided at the Monterey Highway Recreation Area and through the Malech Property.

OBJECTIVE PR-2.6 Provide connections to local trail systems.

Rationale / Action: The Parkway trail system connects with the planned City of Morgan Hill trails system at the Burnett Recreation Area and the Anderson Visitor Center / Office / Peet Road Orchards Recreation Area. Likewise, the Parkway is linked with the City of San Jose's trail system in numerous locations. As the City of San Jose refines its plans for the Coyote Valley Specific Plan area, trail connections should be considered within the framework of enhancing access while not interfering with Parkway management,

OBJECTIVE PR-2.7 Where feasible, upgrade the existing Coyote Creek Trail to meet County guidelines for multi-use trails.

Rationale / Action: The existing Coyote Creek Trail is 10 feet wide from the Malaguerra Avenue staging area to the creek crossing downstream from the Ogier Ponds (near Palm Avenue). From that point downstream to Hellyer Park the trail is approximately 8 feet wide. County guidelines for a paved multi-use trail are for an optimum 12-foot width with 2-foot-wide flush shoulders or clear space on each side of the trail. The need to increase trail width is greatest downstream from the Coyote Percolation Pond where existing trail use is relatively high. The Integrated Plan identifies as this as a priority. However, with the impacts of urbanization of the Coyote Valley as currently envisioned in the Coyote Valley Specific Plan and the slow but continuous growth outlined in the Morgan Hill General Plan, use along the upstream portions of the trail, which is now relatively low, will increase. Eventually all of the trail will be 12 feet wide.

OBJECTIVE PR-2.8 Where feasible, relocate the Coyote Creek Trail outside the Coyote Creek floodplain.

Rationale / Action: When parallel to a stream or riparian zone, the Coyote Creek Trail should be set back a minimum of 100 feet from the top of bank or from the outside edge of the riparian zone, whichever is greater as measured from the edge of the low flow channel (County Trails Master Plan Design Guideline D - 1.3.3.1). The Integrated Plan calls for, over the long term and with expansion, relocating the majority of the trail outside the Riparian Habitat Corridor and the floodplain. Examples of possible exceptions include trail crossings of the creek, other drainage crossings, or passing under bridges.

OBJECTIVE PR-2.9 Provide trail-related amenities.

Rationale / Action: Hellyer Park, Shady Oaks Park, and Metcalf Park provide basic trail amenities such as permanent restrooms, drinking water, and picnic areas immediately accessible to the trail. However, upstream from Metcalf Road the Coyote Creek Trail has relatively few such amenities. Existing facilities at the Anderson Visitor Center / Office / Malaguerra Staging Area and in Toyon and Live Oak Group Areas will be upgraded. New facility areas accessible to the trail include:

- Burnett Avenue Recreation Area (restrooms, drinking water, family and group picnic)
- Malaguerra Winery (restrooms, drinking water, family picnic)
- Santa Clara County Model Aircraft Skypark (restrooms)
- Perry's Hill Recreation Area (restrooms, drinking water, family and group picnic)
- Monterey Highway Recreation Area (restrooms, drinking water, family and group picnic)
- Coyote Ranch Historic Site Staging Area (restrooms, drinking water)
- Coyote Percolation Pond (restrooms)

OBJECTIVE PR-2.10 Provide loop and point access trails from staging areas and other developed use areas.

Rationale / Action: Short 1/4-mile to 2-mile loop trails will be developed to provide options for the Parkway visitor, to direct some trail use away from the Coyote Creek Trail, and to highlight and interpret the natural and cultural resources of the Parkway. These are located at:

- Burnett Avenue Recreation Area
- Malaguerra Winery and Fields
- Perry's Hill Recreation Area

OBJECTIVE PR-2.11 Enhance the trail connection between the Toyon and Live Oak Group Areas.

Rationale / Action: The existing trail connection between the two group picnic areas is tenuous and not ADA accessible. Use of each area will be enhanced with a new trail connection.

GOAL PR-3 Provide water-based outdoor recreation opportunities. (PR Guidelines #2 and #4)

OBJECTIVE PR-3.1 Develop a Coyote Creek canoe / kayak trail.

Rationale / Action: Coyote Creek presents a singular opportunity for a stream trail within the County. Based on water volumes released from Anderson Dam and the future geomorphology of the creek as managed by the SCVWD, Coyote Creek may be capable of being floated (canoes, kayaks, etc.) from the Toyon Group Area to the Coyote Percolation Pond. Downstream from the Coyote Percolation Pond, there is a significant reduction in the creek's waters. Facilities that could be used for put-in and take-out and that would have designated picnic areas, and access to restrooms are located at the Toyon Group Area, Perry's Hill Recreation Area and Coyote Percolation Pond. Existing constrictions in the Creek (culverts, low-flow crossings, etc.) would be eliminated over time. However, because of the urbanizing nature of the Coyote Valley and the resource management goals for the creek, recreation boating on the creek would need to be carefully managed. Daily or seasonal controls might be required to limit the numbers of boaters.

OBJECTIVE PR-3.2 Maintain the existing Coyote Creek fishing program and tailor it in the future to reflect changes in the fishery.

Rationale / Action: Fishing at Parkway Lakes will be continued with inclusion of fish screens to separate the fishery from Coyote Creek. Fishing is now allowed in Coyote Creek and its off-stream ponds from late April to mid-November. This use will be continued. However, as more population moves into the Coyote Valley, pressure on the fishery will increase. Likewise, as the FAHCE program of the SCVWD is implemented to introduce spawning areas for steelhead trout to the creek a more controlled fishing program for the creek to protect the steelhead trout will be needed. Working with the SCVWD and appropriate resource agencies, the fishing program will be modified as necessary to encourage a sustainable fishery.

OBJECTIVE PR-3.3 Provide access to off-creek ponds for non-motorized boating.
Rationale / Action: Off-stream ponds present an opportunity for non-motorized boating for fishing and for general recreation. Providing pond access for boating may involve daily or seasonal controls to limit the number of boaters, as well as area restrictions to protect habitat resources. Access to the Ogeir Ponds for non-motorized boating to facilitate educational programs will be provided at the Perry's Hill Recreation Area.

OBJECTIVE PR-3.4 Provide an off-creek regional swimming facility located in a natural setting.
Rationale / Action: The County has no parks that provide swimming in a natural setting. Based on the criteria identified in the Department's Swimming Feasibility Study, such improvements could be considered on the eastern side of the Ogier Ponds at the Perry's Hill Recreation Area. The program for the regional swimming area would include: parking for 400 cars and access from the Coyote Creek Trail; access control structure to a secured off-stream swimming lake; family and group picnic areas; shower and restroom facilities; concession facility; informal play areas; and other recreation amenities such as playgrounds and sand volleyball. A potential component of the regional swimming area would be a downstream pond / wetland area for dog training.

Because the program for the regional swimming area would include a secured off-stream swimming lake, consideration of this feature is deferred until such time as the SCVWD evaluates separating Coyote Creek from the ponds. There are significant environmental and management challenges in developing a regional swimming complex that will need to be addressed. The opportunities and constraints are overviewed in the *Countywide Swimming Feasibility Study Report* (December, 2004).

GOAL PR-4 Provide additional high-demand regional recreation opportunities that would support use of the Parkway and the Coyote Creek Trail system. (PR Guidelines #1, #2, and #4)

OBJECTIVE PR-4.1 Provide easily accessible group and family picnic areas.
Rationale / Action: Existing use at the Toyon and Live Oak Group Areas is at or near capacity. Downstream from the Coyote Dam, family picnic facilities at Metcalf and Shady Oaks Parks will continue to serve nearby communities. The Parque De La Raza De Paz facilities will be phased out upon opening of the Perry's Hill Recreation Area. General growth countywide and in specific areas as envisioned by the Coyote Valley Specific Plan and the Morgan Hill General

Plan will create increased demand for family and group picnic areas upstream from Metcalf Road. New family and/or group picnic areas will be located at:

- Burnett Avenue Recreation Area
- Malaguerra Winery
- Perry's Hill Recreation Area
- Monterey Highway Recreation Area

OBJECTIVE PR-4.2 Identify areas that are suitable for multi-purpose active recreation use.

Rationale / Action: During the public outreach process, requests were received for a variety of active recreation use areas that would be sufficiently scaled to accommodate regional use. These uses would require vehicular access, parking, and relatively large level areas that could be developed. However, these recreation activities may not be related to the natural resources of Coyote Creek and might more appropriately be located elsewhere. The Integrated Plan identifies areas that could be utilized in the future for any number of active or passive recreation uses. These areas are located at:

- Peet Road Orchards Recreation Area
- Burnett Avenue Recreation Area
- Perry's Hill Recreation Area
- Monterey Highway Recreation Area

GOAL PR-5 Maintain opportunities for the Parkway user to experience a sense of remoteness within the context of a rural riparian wildlife corridor. (NRM Guideline #2)

Rationale / Action: The value of the Parkway experience is directly related to the ability of the visitor to attain a sense of remoteness. Because much of the Coyote Valley has remained in agricultural use, this feeling has been easily achieved. However, with additional development anticipated within the Coyote Valley and Morgan Hill, a rural, remote experience will be in jeopardy. Vegetative screening programs, site planning, and setbacks are identified for the Coyote Creek Trail and Parkway recreation areas for protecting the visitor experience.

OBJECTIVE PR-5.1 Develop a standardized Parkway sign program.

Rationale / Action: Where it exists, signs along the Coyote Creek Trail and within the Parkway vary in age, style, and content. Directional signage to off-trail features is lacking. This includes signage to nearby points of interest, the local street system, and the availability of restrooms at Shady Oaks Park. Interpretive signs are limited in scope. Mileage markers, though present, do not

run the entire length of the trail. As the Coyote Creek Trail is enhanced and individual recreation areas are improved, a common sign program will be initiated.

OBJECTIVE PR-5.2 Locate new trails as far away from occupied dwellings as practical.

Rationale / Action: County Trails Master Plan Design Guidelines require that trails be set back from occupied dwellings a minimum distance as outlined below. Where specified setbacks are not feasible, potential noise and privacy impacts should be evaluated and reduced by use of berms, fencing, landscaping and other feasible and compatible means, if necessary. As new portions of the Coyote Creek Trail are developed, the guidelines outlined in Table 3 and in the County General Plan will be followed.

6.4.5.2 Agricultural and Historical Features

GOAL PR-6 Preserve significant archaeological, historical, and cultural sites. (PR Guidelines #1, #4, and #5)

OBJECTIVE PR-6.1 Restore all, or portions of, the Malaguerra Winery.

Rationale / Action: The main Malaguerra Winery building was built in 1869 and was the first winery in Morgan Hill. It is listed on the National Register of Historic Places (National Register #80000858) and as a California Point of Interest (SCL-045). The main winery building will be restored. The winery site is described as 150 acres in size and as such, the Parkway area surrounding the winery building (north of Coyote Creek and east of Highway 101) has been identified as the historic area. There are also chicken coop structures, residences, and outer outbuildings in the historic area that were developed more recently, but are not necessarily part of the historic fabric. These will be removed. An plan option is provided for leasing portions of the winery area lands for development of an organic vineyard.

OBJECTIVE PR-6.2 Retain the historical character of the Coyote Ranch and lease area.

Rationale / Action: The Coyote Ranch, also know as the Fisher Ranch, includes a house, ranch office, and barns built by Fiacro C. Fisher who owned the 28,049-acre Rancho Refugio de Laguna Seca. The large barn was restored in 1992. The palm tree entry drive is a prominent local visual feature. The site is eligible for the National Register of Historic Places (#0050149) and is a California Point of Interest (SCL-044).

The ranch will continue to be maintained and managed so as not to preclude designation at some point in the future. Additionally

- The landscape of Coyote Ranch Road entrance from Monterey Highway would be renovated to match character of Historic Site.
- Interpretive and information signs along Coyote Creek Trail will be installed.

OBJECTIVE PR-6.3 **Preserve viable agricultural soils and, where appropriate, encourage agriculture within selected areas of the Parkway and to buffer Parkway uses from other land uses.**

Rationale / Action: The City of San Jose's Coyote Valley Urban Reserve Area and Morgan Hill's General Plan identify lands to remain rural in character. These designations present an ideal opportunity to retain agriculture as a buffer not only between the anticipated development in the Coyote Valley Urban Reserve to the north and Morgan Hill, but also between the Parkway, rural residences, and other land uses that may be incompatible with the Parkway character. The Integrated Plan proposes to expand the Parkway boundary west of the creek for purposes of creating a viable Riparian Habitat Corridor and for relocating portions of the Coyote Creek Trail. However, expanding the Parkway will only be achieved with the participation of willing sellers (see also Section 6.2. Where prime agricultural soils / lands coincide with land associated with other Parkway goals, if acquired, agricultural uses consistent with other Parkway resource values, will be considered.

The soils around the Malaguerra Winery once supported vineyards. A plan option is provided for leasing portions of the winery area lands for development of an organic vineyard.

6.4.5.3 Interpretive Features

A timeline with interpretive themes for the lands, events, resources, and uses that have influenced the Parkway is found in Attachment 3.

GOAL PR-7 **Interpret the natural and cultural resources of the Coyote Creek Parkway such that the creek's role and importance of its riparian habitat is appropriately recognized in the context of the County and region. (PR Guideline #4)**

OBJECTIVE PR-7.1 Interpret the role of the Malaguerra Winery in light of the settlement history of the Coyote Valley.

Rationale / Action: The Malaguerra Winery's historical significance is related to the industry and agriculture of the Coyote Valley over a period from 1850 to 1924. The winery will be restored, and an interpretive trail will be developed through the historic area.

OBJECTIVE PR-7.2 Develop a Coyote Creek Interpretive and Education Center.

Rationale / Action: Coyote Creek is an extremely important natural feature in the greater Santa Clara Valley and a feature that provides water and flood control benefits to downstream urban areas. These relationships, though complex, are not necessarily well understood by the general public. A Nature Center and interpretive trail is proposed at the Perry's Hill Recreation Area to interpret the resources and management of Coyote Creek. An alternate site for the Nature Center that would directly benefit future residents in the Coyote Valley Specific Plan area is identified at the Monterey Highway Recreation Area.

OBJECTIVE PR-7.3 In cooperation with the California Department of Fish and Game and others, establish a Watchable Wildlife Program and related facilities.

Rationale / Action: One of the most significant aspects of the Coyote Creek corridor is its wildlife. Through the provision of interpretive signs, nature trails, development of a wildlife viewing guide, and designation in California's Watchable Wildlife program these resources could be made more visible to the general public. Areas and facilities that, as they are developed, will be specifically designed for the Watchable Wildlife Program are:

- Perry's Hill Recreation Area Nature Center and Ogier Pond Interpretive Trail and facilities
- Monterey Highway Recreation Area Interpretive Trails

OBJECTIVE PR-7.4 In cooperation with the National Park Service, interpret the story of the de Anza expedition along those portions of the Coyote Creek Trail designated as a component of the Juan Bautista de Anza National Historic Trail system.

Rationale / Action: The Coyote Creek Trail is also a "recreation retracement trail" component of the Juan Bautista de Anza National Historic Trail system. Though the trail route is not coincidental with the actual de Anza route,

signage and interpretive displays along the Coyote Creek Trail about the expedition will be developed.

OBJECTIVE PR-7.5 Develop an interpretive program and provide interpretive signage along the Coyote Creek Trail.

Rationale / Action: Approximately 90% of County residents feel that preserving the natural resources in County Parks is important. Coyote Creek and its riparian resources are of regional significance and represent an outstanding natural laboratory for outdoor education and interpretation. However, the public needs to know what those resources are. The public also needs to understand that many laws and regulations dictate what is allowed to happen in the Parkway, and that such regulations sometimes constrain the recreation activities that may take place. Locations for a coordinated series of outdoor interpretive displays explaining the natural and cultural history of the Creek corridor have been identified along the trail.

6.5 MANAGEMENT AND PARTNERSHIP PROGRAM

Table 6 presents an overview of how a variety of agencies, organizations, and special interest groups could assist in implementing the variety of program features identified within the Integrated Plan.

The following summarizes how the management and partnership program address the Integrated Plan's goals and objectives outlined in Section 4.0.

GOAL PR-8 Enhance boundary management.

OBJECTIVE PR-8.1 In cooperation with adjacent property owners, include boundary fencing and signs in the Parkway.

Rationale / Action: The Coyote Creek Trail is often located near the Parkway boundary adjacent to private property. In some places there is existing fencing that needs repair. In areas where trail routes are adjacent to private property, visible fencing should be employed if requested by the adjacent property owner to deter users from leaving the trail (County Trails Master Plan Design Guideline D - 1.1.4). Standard types of fencing that is wildlife friendly will be developed to enhance the identity of the Parkway. Parkway boundary signs will be posted at regular intervals in conformance with legal requirements to remind Parkway visitors not to trespass. (County Trails Master Plan Design Guideline D - 4.3.4)

GOAL PR-9 Provide adequate resources to ensure Staff can provide service that is competent, friendly, well-funded, and excellent. (NRM Guideline #1 and PR Guideline #4)

OBJECTIVE PR-9.1 Add staffing and other management resources commensurate with Parkway improvements as necessary.

Rationale / Action: The Department enjoys a high rating from the general public for the quality of services provided. While operation efficiency is always sought, the level of service provided as new improvements are made within the Parkway will need to include additional resources for all areas of operation. It is projected that management activities and facility improvements identified as priority actions will require the addition of 6 staff members.

GOAL PR-10 Coordinate implementation of Integrated Plan options with potential Parkway partners. (NRM Guideline #1 and PR Guideline #5)

OBJECTIVE PR-10.1 Identify Integrated Plan programs that would benefit from support or require regulatory compliance in advance of Plan adoption.

Rationale / Action: Table 6 below provides a general outline of project partners and where they could assist in the implementation and approval of plan elements.

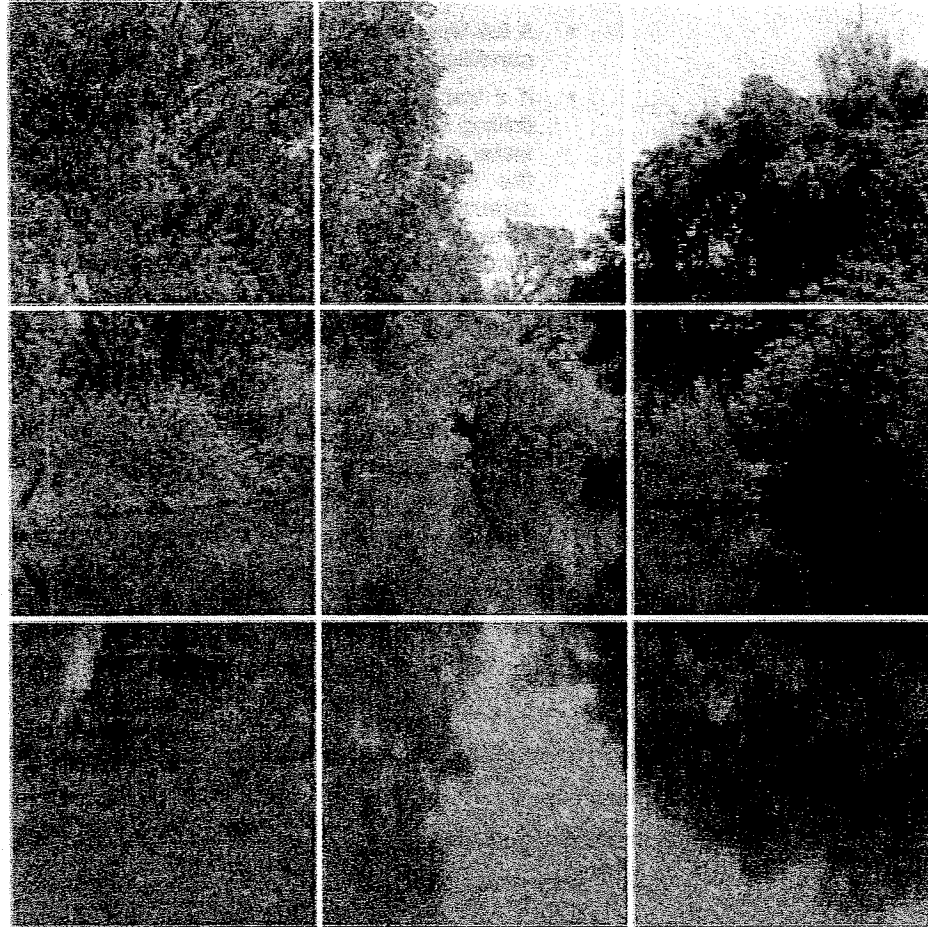
TABLE 6: Santa Clara County Park and Recreation Partners

	Funding: Land Acquisition	Funding: Capital Improvements	Funding: Operations & Maintenance Funding	Trail Capital Improvements	Trail Operations & Maintenance	Site Planning	Park Capital Improvements	Park Operation & Maintenance	Resource Management Programs	Outdoor Recreation Programs	Interpretive Programs	Volunteer/Docent Programs	Marketing & Public Relations
SCCOSA													
National Park Service													
CA. Dept. of Parks & Recreation													
CA Dept. of Fish & Game													
Peninsula Open Space Trust													
Land Trust for Santa Clara Co.													
The Nature Conservancy													
S.C. County Farm Bureau													
U.S. Fish and Wildlife Service													
Regulatory Agencies													
SF Bay Program / Coastal Conservancy													
Santa Clara Valley Water Dist.													
Valley Transportation Authority													
Local & Regional Government													

TABLE 6: Santa Clara County Park and Recreation Partners (continued)

	Funding: Land Acquisition	Funding: Capital Improvements	Funding: Operations & Maintenance	Trail Capital Improvements	Trail Operations & Maintenance	Master Planning	Park Capital Improvements	Park Operation & Maintenance	Resource Management Programs	Outdoor Recreation Programs	Interpretive Programs	Volunteer/Docent Programs	Marketing & Public Relations
Parks Foundations													
Lessees													
Volunteers / Docents													
Recreation Interest Groups / Professional Organizations													
Conservation Organizations													
Educational Institutions													
Private Landowners / Entities													
Non-profit Organizations													
Trail Organizations													
Health & Well-being Providers													
Law Enforcement Agencies													
For-profit Organizations													

7.0 Implementing the Plan



7.1 CONSTRUCTION, POTENTIAL ENVIRONMENTAL EFFECTS, AND MITIGATION ACTIONS

The following actions were identified in the *Initial Study and Mitigated Negative Declaration* prepared for the Integrated Plan pursuant to the California Environmental Quality Act. Their purpose is to reduce any potential impacts associated with implementing the Integrated Plan.

WATER QUALITY Mitigation Measure SWQ-1: Develop and Implement a Frac-Out Contingency Plan for Jack and Bore Activities. For jack-and-bore tunneling activities that use drilling lubricants, the Department or its contractor will prepare and implement a frac-out contingency plan that is intended to minimize the potential

for a frac-out associated with tunneling activities; provide for the timely detection of frac-outs; and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling lubricant (i.e., bentonite). The contingency plan will require, at a minimum, the following measures.

- A full-time monitor will attend all drilling to look for observable frac-out conditions or lowered pressure readings on drilling equipment.
- If a frac-out is identified, all work will stop, including the recycling of drilling lubricant. In the event of a frac-out into water, the pressure of water above the tunnel will keep excess mud from escaping through the fracture. The location and extent of the frac-out will be determined, and the frac-out will be monitored for 4 hours to determine whether the drilling lubricant congeals (bentonite will usually harden, effectively sealing the frac-out location).
- If the drilling lubricant congeals, no other actions will be taken that would potentially suspend sediments in the water column.
- Surface releases of bentonite will be allowed to harden and then will be removed.
- The contingency plan will identify additional measures to be taken to contain or remove the drilling lubricant if it does not congeal.

BIOLOGY Mitigation Measure BIO-1: Survey for Special-Status Plants. A survey for all special-status plants, which could occur in areas where trails are planned for construction, will be carried out in the appropriate blooming period prior to construction. If any special-status plants are found, Mitigation Measure BIO-2 will be implemented.

Mitigation Measure BIO-2: Avoid Special-Status Plants. If special-status plants are found in an area where trails or other infrastructure are to be built, the trail(s) will be rerouted to avoid these plants.

Mitigation Measure BIO-3: Avoid Bay Checkerspot Butterfly Host Plants. All serpentine habitat within the project footprint will be surveyed for native plantain and owl's clover during the appropriate blooming period, prior to construction. If native plantain or owl's clover is found, Mitigation Measure BIO-2 will be implemented.

Mitigation Measure BIO-4: Protection and Enhancement of Serpentine Communities. If serpentine habitat is identified in an area where trails or other infrastructure are to be built, the trail(s) and other proposed facilities would be rerouted to avoid this sensitive natural community. If avoidance is not feasible, opportunities for enhancement and/or protection of adjacent serpentine habitats will be coordinated with DFG and USFWS to ensure that take of Bay Checkerspot Butterfly does not occur. If take of Bay Checkerspot Butterfly is

determined to be unavoidable, proposed trail(s) and other facilities will not be constructed.

Mitigation Measure BIO-5: Survey for Migratory Bird Nests. All initial vegetation clearing, including grading of grasslands or removal or trimming of trees or shrubs will take place outside of the migratory bird nesting season. If vegetation removal must occur during the migratory bird nesting season vegetation, clearing activities will be preceded by a survey for migratory bird nests. If active nest(s) are located within the area to be cleared, all vegetation clearing activities within 50-feet of active nest(s) will take place after the nest(s) are no longer active.

Mitigation Measure BIO-6: Conduct Surveys for Bird Nests in Structures. Demolition of abandoned structure will take place outside of the migratory bird nesting season. The typical nesting season for migratory bird in this part of California is April 15–July 31. If construction must take place during the nesting season, demolition will be preceded by a survey for nesting migratory birds (e.g., swallows, phoebes, etc.). If bird nests are discovered in the structure, the building will not be removed until there are no active nests remaining.

Mitigation Measure BIO-7: Survey for Active Raptor Nests. Before construction activity commences, all suitable raptor nesting habitat within 0.5 mile of the impacted area will be surveyed for active raptor nests. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer will be erected around the nest while it is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line-of-sight of the construction activity.

Mitigation Measure BIO-8: Conduct Surveys of Potential Bat Roosts. Demolition of any abandoned buildings or bridges will be preceded by a survey for bat presence. Buildings being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

Mitigation Measure BIO-9: Implement Avoidance and Minimization Measures for Potential Impacts on California Tiger Salamander Habitat. For areas where construction would occur within identified California tiger salamander habitat, County Parks shall consult with the USFWS and DFG to obtain authorization for activities that could affect this species and implement all applicable protection measures specified through this consultation. Protection measures shall be focused on locations where California tiger salamander habitats have been identified within and adjacent to the right-of-way and where California tiger salamander could potentially be affected as determined in consultation with the

USFWS. Protection measures could include, but would not be limited to, the following:

- Where impacts on potential California tiger salamander breeding habitats can be avoided, establish site-specific exclusion zones to protect these areas. Install temporary plastic fencing around the exclusion areas with "Sensitive Habitat Area" signs posted and clearly visible on the outside of the fence.
- Where it is not feasible to avoid work within or adjacent to potential California tiger salamander breeding sites, limit work in these areas to the period from June 1 to October 14 or when the ponds are dry.
- From October 15 to May 31 within potential California tiger salamander dispersal habitat, minimize operation of proposed project vehicles and equipment at night off pavement during rain events and within 24 hours following rain events, and check under vehicles parked overnight off pavement before moving them.

If permanent loss of occupied or potential California tiger salamander breeding habitat cannot be avoided, compensation shall be provided through protection and enhancement of California tiger salamander habitat within the right-of-way, purchase of off-site mitigation credits, and/or contribution to regional conservation and recovery efforts for the species as determined in consultation with the USFWS and DFG.

Mitigation Measure BIO-10: Implement Avoidance and Minimization Measures for Potential Impacts on California Red-Legged Frog Habitat. County Parks or its contractor will implement the following measures before and during construction activities occurring within or near California red-legged frog habitat to minimize both direct and indirect effects on California red-legged frogs.

- A pre-construction survey shall be conducted immediately preceding any construction activity that occurs in California red-legged frog habitat or an activity that may result in take of the species. The USFWS-approved biologist shall carefully search all obvious potential hiding spots for California red-legged frogs and the perimeter of any aquatic habitat. In the unlikely event that a California red-legged frog is found during the preconstruction survey, the biologist will contact the USFWS immediately to determine the appropriate course of action.
- An erosion and sediment control plan will be implemented to prevent impacts outside of the project construction area. Tightly woven natural fiber netting or similar material shall be used for erosion control or other purposes at the project site to ensure that California red-legged frogs are not trapped. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. No plastic monofilament matting shall be used for erosion control.
- Access routes to the construction area and the size of staging and work areas will be limited to the minimum necessary to achieve the project goals. Routes and boundaries of the access roads will be clearly marked prior to initiating construction/grading.

- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days.
- No pets will be allowed on the construction site.
- A speed limit of 15 mph on dirt roads will be maintained.
- All equipment will be maintained such that there will be no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
- Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 200 feet from the affected channel(s). All fueling and maintenance of vehicles and other equipment will occur at least 200 feet from the channel. Construction within the channel would be conducted during the dry season between May 1 and October 15.
- Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, and the like shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with USFWS, California Department of Fish and Game, and revegetation experts.

The County shall include special provisions that include the mitigation measures described above for bid information when applicable.

Mitigation Measure BIO-11: Conduct A Preconstruction Survey for Western Pond Turtles and Relocate, if Necessary. A qualified biologist shall conduct a pre-construction survey for western pond turtles no more than 30 days prior to construction in suitable aquatic habitats within the project corridor, including stream crossings, drainage ditches, and culverts. A combination of visual and trapping surveys may be performed with authorization from the DFG. If the species is found near any proposed construction areas, impacts on individuals and their habitat shall be avoided to the extent feasible. If occupied habitat can be avoided, an exclusion zone shall be established around the habitat and temporary plastic fencing shall be installed around the buffer area with "Sensitive Habitat Area" signs posted and clearly visible on the outside of the fence. If avoidance is not possible and the species is determined to be present in work areas, the biologist with approval from DFG may capture turtles prior to construction activities and relocate them to nearby, suitable habitat a minimum of 300 feet downstream from the work area. Exclusion fencing should then be installed if feasible to prevent turtles from reentering the work area. For the duration of work in these areas the biologist should conduct monthly follow-up visits to monitor effectiveness.

Mitigation Measure BIO-12: Conduct Preconstruction Surveys for Active Western Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Western Burrowing Owl Mitigation and Compensate for Habitat Loss, If Necessary. DFG (1995) recommends that preconstruction surveys be conducted to locate active western burrowing owl burrows in the study area and within a 250-foot-wide buffer zone around the study area in suitable habitat. The City or its contractor will retain a qualified biologist to conduct preconstruction surveys for active burrows according to DFG's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995). The preconstruction surveys will include a breeding season survey and wintering season survey. If no western burrowing owls are detected, no further mitigation is required. If active western burrowing owls are detected, the County will implement the following measures.

- Occupied burrows will not be disturbed during the breeding season (February 1 to August 31).
- If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 160 feet of occupied burrows during the non-breeding season (September 1 to January 31) or within 250 feet during the breeding season (February 1 to August 31).
- When destruction of occupied burrows is unavoidable during the non-breeding season (September 1 to January 31), unsuitable burrows will be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows will follow guidelines established by DFG.
- If owls must be moved away from the project site during the non-breeding season, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping, as described in the DFG guidelines. At least 1 week will be necessary to complete passive relocation and allow owls to acclimate to alternate burrows.

If active western burrowing owl burrows are found and the owls must be relocated, County Parks shall offset the loss of foraging and burrow habitat within the parkway by permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified on the project site. The protected lands shall be located within the Parkway boundary adjacent to the occupied western burrowing owl habitat on the project site or at another occupied site near the project site. The location of the protected lands will be determined in coordination with DFG.

Mitigation Measure BIO-13: Avoid Riparian Forest, Scrub, and Woodland. Projects shall be carried out in a way that avoids damage to riparian forest and woodland. If unavoidable impact will occur, then implement Mitigation Measure BIO-14.

Mitigation Measure BIO-14: Replace Riparian Forest, Scrub, and Woodland.

If impacts are identified that will occur in any riparian forest and/or woodland, then these communities shall be replaced in an appropriate setting, such as areas of the designated Riparian Habitat Corridor that are degraded and/or denuded. Replacement ratios will be determined in consultation with the CDFG. Also see Mitigation Measures BIO-17 and BIO-18 (Avoidance and Replacement of Native Trees). These two measures are meant to be implemented concurrently and would not be implemented additively (i.e. mitigation for habitat acreage lost plus mitigation for loss of trees within that habitat acreage).

Mitigation Measure BIO-15: Avoid Watercourses, Aquatic and Wetland Habitats.

Projects shall be carried out in a way that avoids damage to watercourses and aquatic and wetland habitats. This includes a setback distance of at least 100 feet from these areas for all projects as designated by the Integrated Plan. If damage is unavoidable, then Mitigation Measure BIO-16 will be implemented.

Mitigation Measure BIO-16: Replace Watercourses, Aquatic, and Wetland Habitats.

If impacts will occur to watercourses, aquatic or wetland habitats, then the impacted aquatic area will be delineated and will be confirmed by the Corps. This community will be replaced at a ratio to be determined with the permitting agencies in an appropriate setting, such as wetland habitats designated by the Natural Resources Management Plan as potential wetland restoration areas.

Mitigation Measure BIO-17: Avoid Loss of Native Trees. Projects will be designed to avoid impact to native trees greater than 12" in diameter. If a project has potential to impact any such tree, the project will be redesigned or Mitigation Measure BIO-18 will be implemented.

Mitigation Measure BIO-18: Replace Trees. If unavoidable impacts to trees will occur, then for every tree impacted, replacement planting(s) of the same species, in quantities to be determined by County Planning, will be planted in an appropriate location.

AIR QUALITY Mitigation Measure AIR-MM-1: Implement BAAQMD Construction Dust Control Measures. To control the generation of construction-related PM10 emissions, the project applicant shall require the construction contractor to implement all applicable and feasible control measures required by the BAAQMD, as summarized below:

BAAQMD Feasible Control Measures for Construction Emissions of PM10

Basic Control Measures. The following controls should be implemented at all construction sites.
<ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard. • Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
Enhanced Control Measures. The following measures should be implemented at construction sites greater than 4 acres in area.
<ul style="list-style-type: none"> • Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (i.e., previously graded areas inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (e.g., dirt and sand). • Limit traffic speeds on unpaved roads to 15 miles per hour (mph). • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible.
Optional Control Measures. The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or for any other reason may warrant additional emissions reductions, but project applicant is not required to implement.
<ul style="list-style-type: none"> • Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. • Install windbreaks or plant trees or vegetative wind breaks at windward side(s) of construction areas. • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. • Limit the area subject to excavation, grading, and other construction activity at any one time.
Source: BAAQMD 1999.

NOISE

Mitigation Measure NOI-MM-1: Comply with Santa Clara County Noise Standards by Employing Noise Reducing Construction Practices. If the County receives complaints concerning noise from construction operations, the County shall retain a qualified acoustical consultant to determine if construction operations are resulting in noise that exceeds County noise standards. If it is determined that noise standards are being exceeded construction operations shall be modified such that noise does not exceed that applicable standards. Potential modifications to construction operations include but are not limited to:

- Using small equipment that creates less noise,
- Reducing the number of pieces of equipment that are used at the same time in one area, and
- Providing temporary local barriers around noise generating equipment.

CULTURAL RESOURCES

Mitigation Measure H/A-MM-1: Comply with all federal, state, and local regulations regarding the protection and preservation of cultural and paleontological resources.

Mitigation Measure H/A-MM-2: Complete Program-specific cultural resources record searches and field surveys, as needed. Test and evaluate cultural resources located as a result of research and fieldwork.

Mitigation Measure H/A-MM-3: Include consideration of paleontological resources during record searches and field surveys.

Mitigation Measure H/A-MM-4: Plan construction activities to avoid important cultural sites identified by record searches and field surveys, and testing and evaluation, as feasible.

Mitigation Measure H/A-MM-5: Develop and implement an appropriate treatment plan to evaluate affected archaeological sites that are determined eligible for listing in the NRHP or the CRHR and cannot be avoided by

Mitigation Measure H/A-MM-6: Develop and implement a paleontological resources treatment plan to evaluate paleontological resources that may be discovered during construction.

Mitigation Measure H/A-MM-7: Develop and implement a cultural resources and paleontological resources training program for construction personnel.

Mitigation Measure H/A-MM-8: Consult with interested Native American people when conducting the record searches and field surveys to avoid or minimize impacts on ethnographic resources during construction, as feasible.

Mitigation Measure H/A-MM-9: A cultural/historic resource study shall be completed and a treatment plan prepared to detail what those potential impacts are that could result in an adverse change to the significance of the resource. The treatment plan shall identify how such impacts can be avoided and/or mitigated to a level that is less than significant.

7.2 REGULATORY FRAMEWORK

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Santa Clara County was the lead agency for the preparation of the environmental document associated with the Integrated Plan. The County will be the lead agency any subsequent project-specific environmental reviews that may be conducted as a result of implementing the Integrated Plan. In certifying the environmental document for the Integrated Plan, the Board of Supervisors considered issues of consistency related to topics as outlined in Appendix G of the CEQA Guidelines. These include consistency with the goals and policies of the Santa Clara County General Plan.

PERMITS

The Integrated Plan, as well as resulting specific projects that may be implemented as a result of the Plan, are required to comply with a variety of federal, state, and local regulations, code sections and ordinances. These regulatory bodies provide both permits as well as guidance for projects. The agencies from which permits may be required to implement the Integrated Plan are listed in Table 7.

TABLE 7: Permitting and Review Agencies

LEAD AGENCY	
County of Santa Clara	The County regulates land use changes within the Parkway and requires an environmental review under the California Environmental Quality Act.
RESPONSIBLE AGENCIES	PERMIT AUTHORITY
U.S. Army Corps of Engineers (COE)	Regulatory authority over all jurisdictional wetlands, navigable waters, and other Waters of the United States under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. (see also Appendix E for a further description)
US Fish and Wildlife Service (USFWS)	Consultation is required as part of the Section 404 permitting process to include a biological opinion and incidental take permits, if required, for species listed as Threatened or Endangered under the federal Endangered Species Act. In addition the USFWS administers the protection of species under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. (see also Appendix E for a further description)
National Oceanic and Atmospheric Administration (NOAA Fisheries)	Consultation is required as part of the Section 404 permitting process to address protection measures for anadromous fish, marine fish, and marine mammals, including Section 9 of the federal Endangered Species Act requirements for federally-listed species. (see also Appendix E)
U.S. Environmental Protection Agency (EPA)	Dual regulatory authority of Section 404 with the COE. (see also Appendix E for a further description)
San Francisco Bay Regional Water Quality Control Board (RWQCB)	Authority to regulate projects that could affect water quality through Section 401(A)(1) of the Clean Water Act and the Porter-Cologne Water Quality Control Act of 1975. The RWQCB issues Water Quality Certification and a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharge. (see also Appendix E for a further description)
California Department of Fish and Game (CDF&G)	If stream alterations are anticipated, a 1601 permit must be secured from the Department. In addition the CDF&G regulates the take of wildlife and plants listed as threatened or endangered under the California Endangered Species Act, the California Native Plant Protection Act, and the California Fish and Game Code (see also Appendix E for a further description)
California Department of Toxic Substances Control (DTSC)	Approval and oversight of hazardous material remediation if required.
California Department of Transportation (Caltrans)	Approval of plans and encroachment permits for projects within the State right-of-way.
State Historic Preservation Office (SHPO)	Implements procedures for dealing with cultural resources discovered during surface-disturbing activities authorized under the National Historic Preservation Act.
Santa Clara Valley Water District (SCVWD)	To manage and protect the water resources of the Santa Clara Valley, the SCVWD requires permits for all well construction and destruction work, most exploratory boring, and for projects or works that occur within 50 feet of any watercourse in Santa Clara County (District Ordinance 82-3).
County of Santa Clara, Building Inspection Office	Issues required building permits for typical construction activities that would be anticipated within the Parkway.

7.3 CAPITAL IMPROVEMENT COSTS

The enhancement of the Parkway to provide new and enhanced visitor experiences consistent with the goals and objectives of the Integrated Plan is an ambitious undertaking. Projected capital improvement costs for the identified priority projects are between \$36,00,000 and \$46,000,000 (in 2006-7 dollars). Table 8 summarizes probable capital improvement costs for priority projects within individual Parkway Recreation Areas and the Coyote Creek Trail.

TABLE 8: Projection of Probable Capital Improvement Project Costs by Area

INTEGRATED PLAN AREA	COST RANGE	
	LOW	HIGH
1. Live Oak-Toyon Group Areas	\$ 2,500,000	\$ 3,125,000
2. Anderson Visitor Center / Office / Malaguerra Staging Area	\$ 4,500,000	\$ 5,625,500
3. Malaguerra Winery and Fields	\$ 80,000	\$ 100,000
4. Santa Clara County Model Aircraft Skypark	\$ 35,000	\$ 43,750
5. Perry's Hill Recreation Area	\$ 11,500,000	\$ 13,750,000
6. Coyote Ranch Staging Area	\$ 1,700,000	\$ 2,125,000
7. Parkway Lakes	\$ 85,000	\$ 106,250
8. Parque de la Raza de Paz	\$ 400,000	\$ 500,000
9. Coyote Creek Trail: Malaguerra Ave. Staging Area to Mile 2.3	\$ 650,000	\$ 812,500
10. Coyote Creek Trail: Mile 2.3 to Mile 3.5 -- See Perry's Hill Recreation Area		
11. Coyote Creek Trail: Mile 3.5 to Mile 4.6	\$ 2,350,000	\$ 2,937,500
12. Coyote Creek Trail: Mile 4.7 to Mile 7.5	\$ 6,250,000	\$ 7,812,500
13. Coyote Creek Trail: Mile 7.5 to Mile 8.5 -- See Coyote Ranch Staging Area		
14. Coyote Creek Trail: Mile 8.5 to Mile 14.0	\$ 5,650,000	\$ 7,062,500
15. Coyote Creek Trail: Mile 14.0 to Hellyer Park	\$ 1,750,000	\$ 2,187,500
TOTAL	\$ 36,950,000	\$ 46,187,500

* November, 2006 costs. This projection is preliminary, for planning purposes only, and is subject to change. This projection uses normal park/trail construction costs based on industry standards suitable for a Master Plan level of detail; this cost projection is not based on such considerations as might be included with the benefit of detailed design plans and construction documents. Any potential site remediation costs are not included.

Reference: Santa Clara County Parks & Recreation Department. *Coyote Creek Parkway County Park - Cost and Funding Analysis*. November, 2006.

7.4 MANAGEMENT COSTS

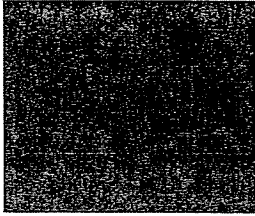
The operations and maintenance for the existing Coyote Creek Parkway and its facilities are managed and staffed by the Anderson Lake/Motorcycle Park Unit and the Hellyer/Santa Theresa Unit of the County Parks and Recreation Department. In addition, the Department's Interpretive Services Unit provides interpretive services. There are no ranger or maintenance positions solely dedicated to the Parkway. Rangers and maintenance staff respond to trail issues as necessary and facilities are serviced as scheduled. Approximately 10% of the scheduled staff time of each park unit is directed to operation and maintenance of the Parkway.

Additional operations and maintenance staffing needed for the Parkway as depicted for priority projects in the Integrated Plan are shown in Table 9. Annual staffing costs are estimated to exceed approximately \$500,000 (in 2006-7 dollars). This includes staffing associated with the Perry's Hill Nature Center. Final staffing costs will be dependent on the resources and priorities of the Department at buildout, level of interpretive programming offered at the Nature Center, and costs for supplies and related services.

TABLE 9: Future Staffing Needs and Costs

<i>Positions</i>	<i>Number of Positions</i>	<i>Annual Cost</i>
Rangers	2	
Maintenance Workers	2	
Interpreters	2	
Total	6	\$ 550,824

Source: Santa Clara County Parks & Recreation Department. *Coyote Creek Parkway County Park - Cost and Funding Analysis*. November, 2006.



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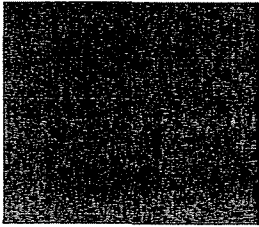
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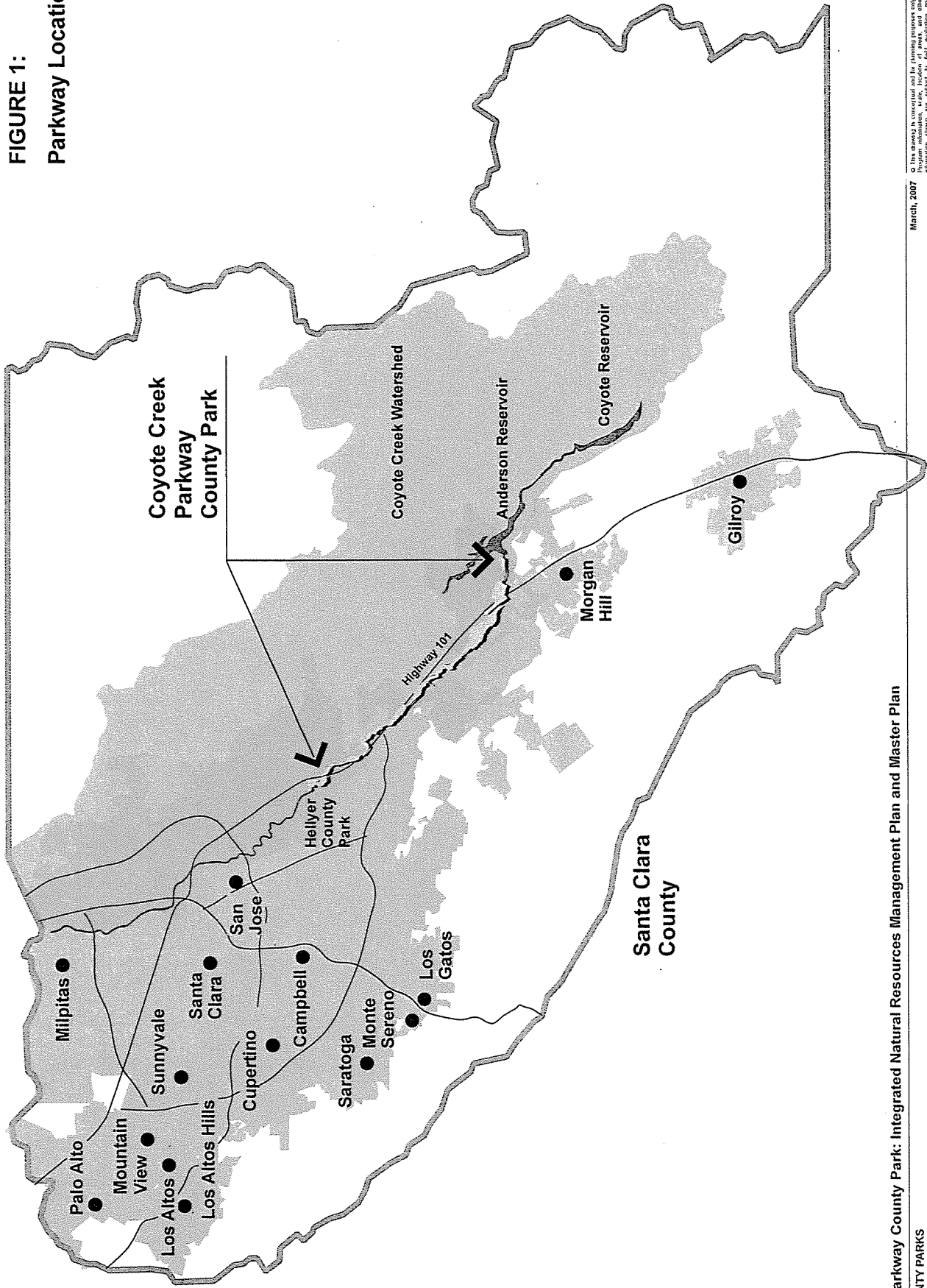
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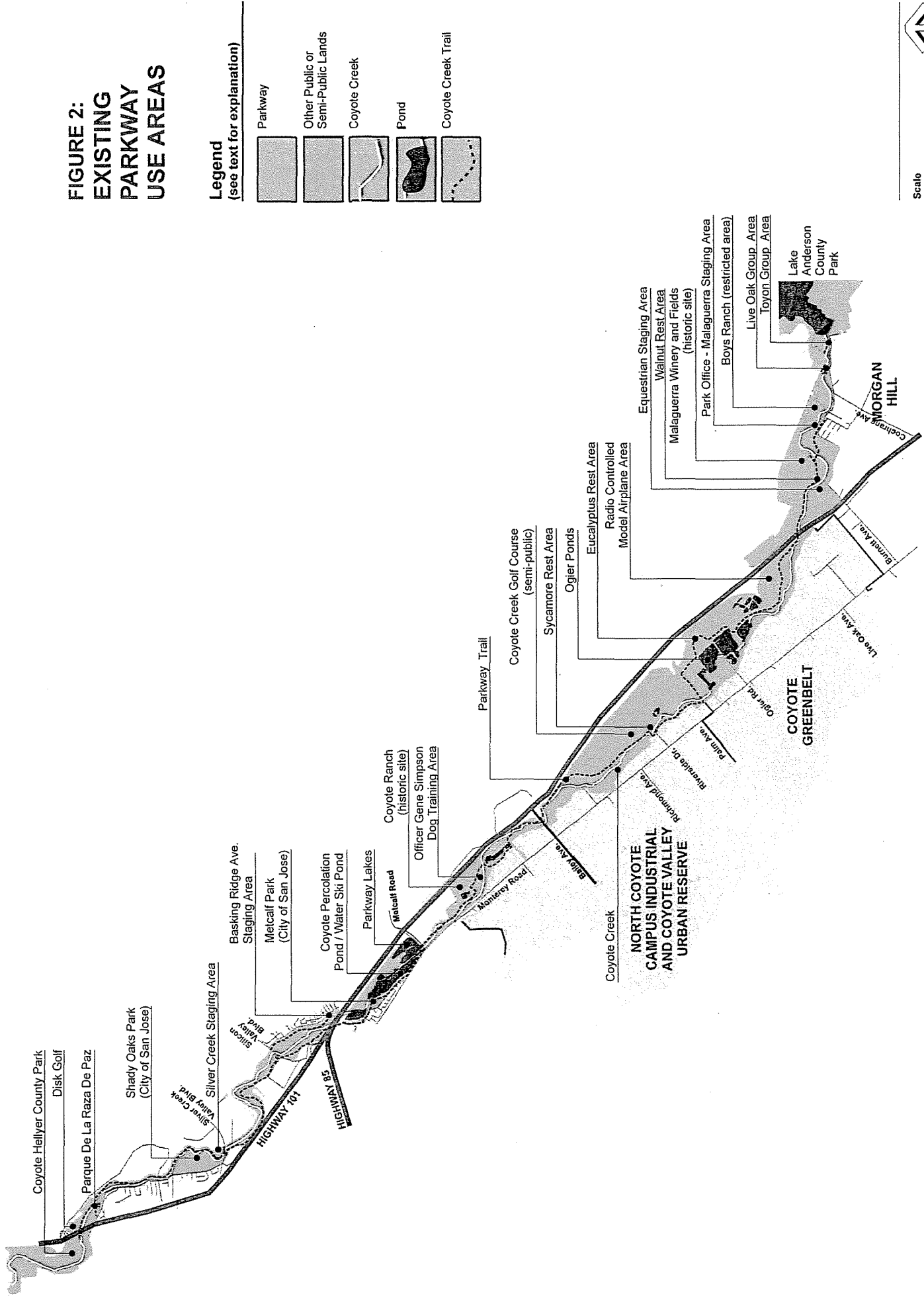
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FIGURES

**FIGURE 1:
Parkway Location**

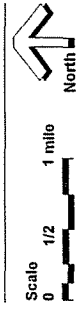




Coyote Creek Parkway Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

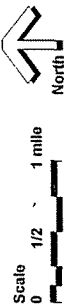
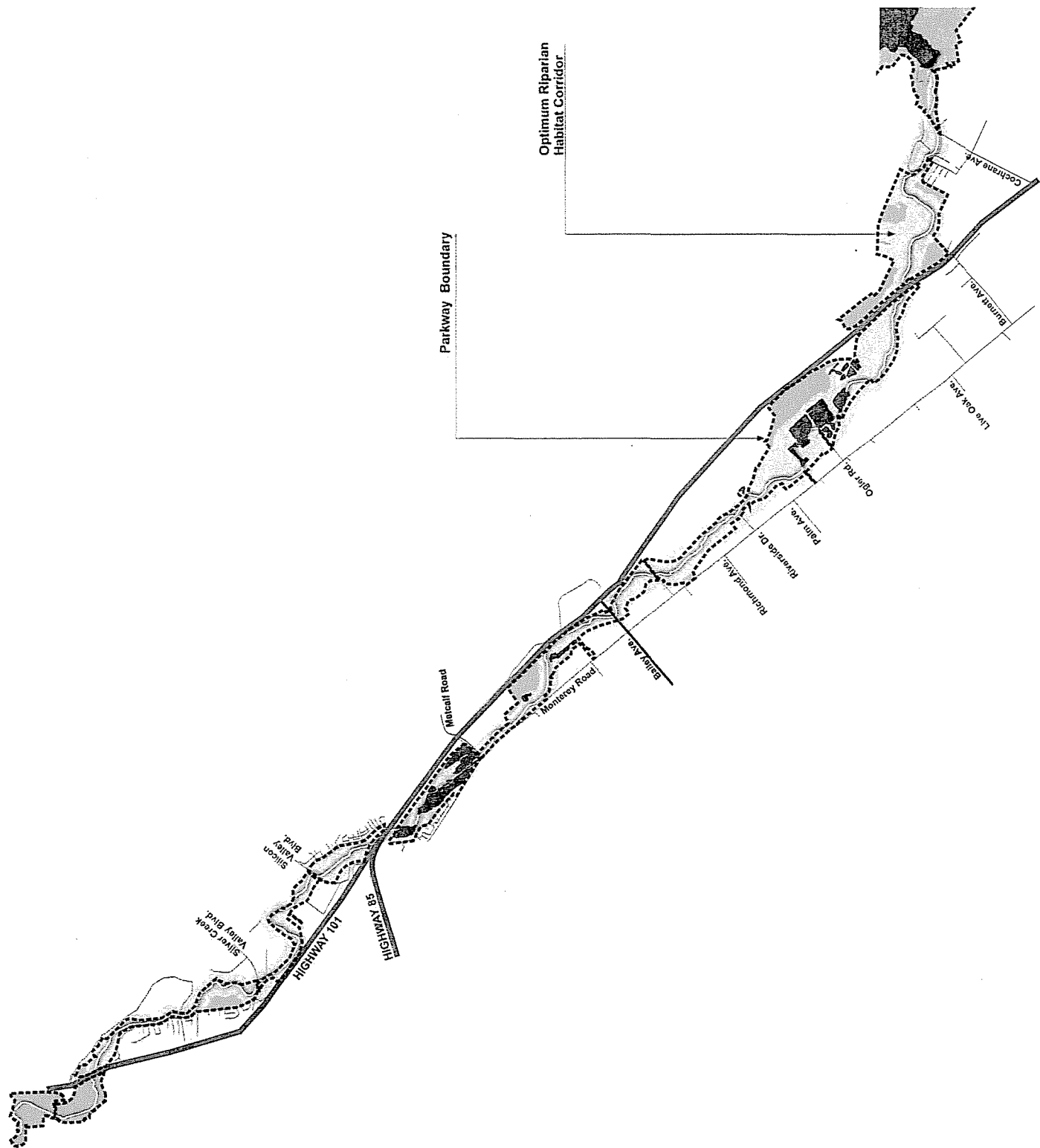
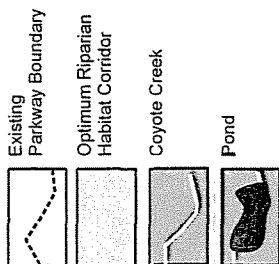
March, 2007



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**FIGURE 3:
Optimum
Riparian Habitat
Corridor**

Legend
(see text for explanation)



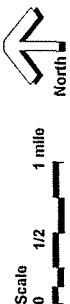
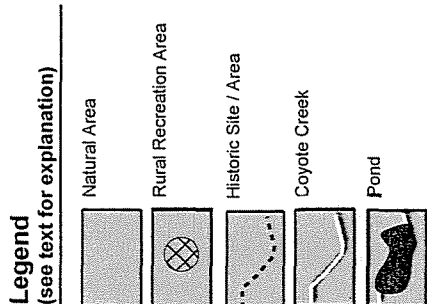
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Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

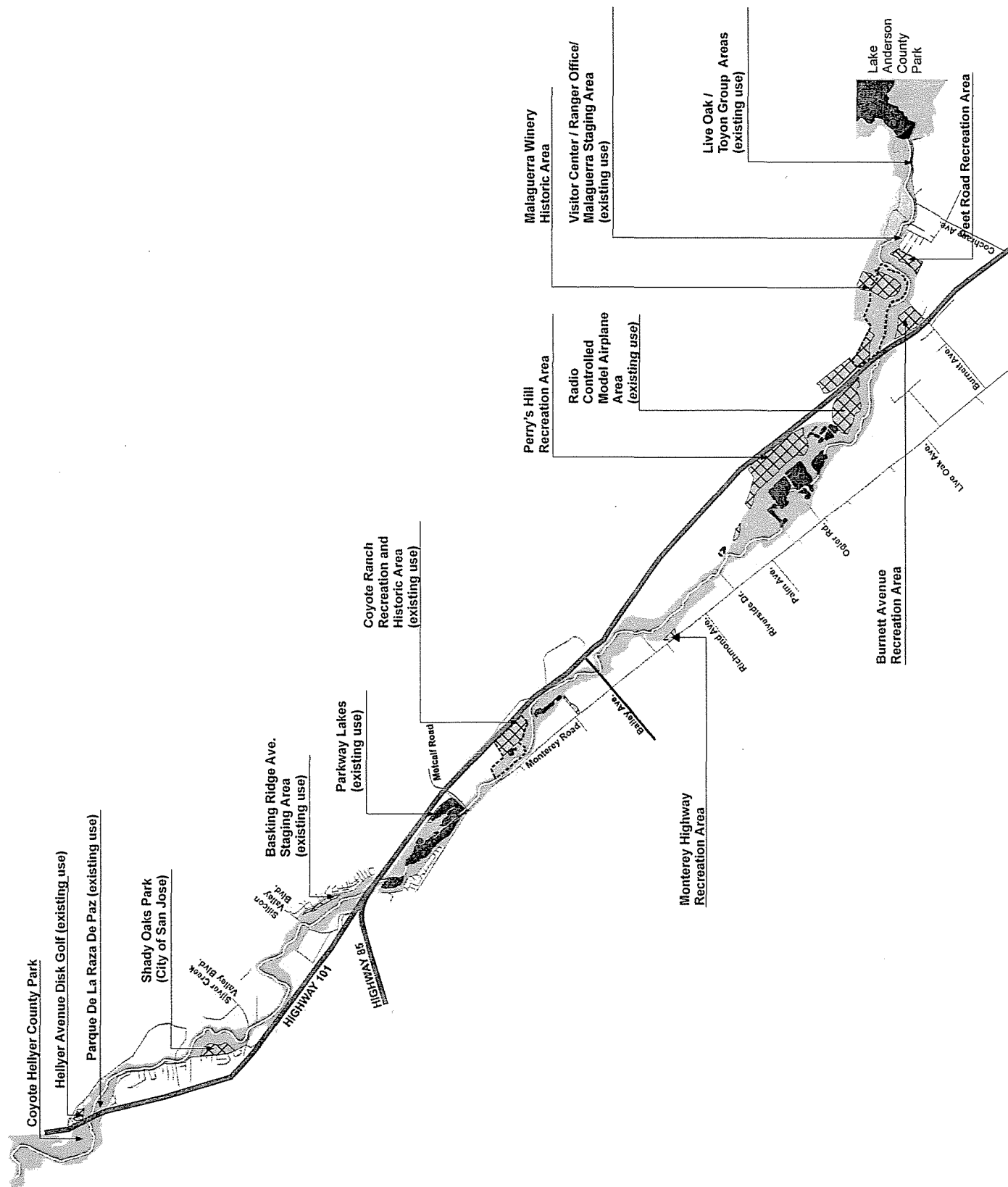
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**FIGURE 4:
Parkway
Classifications**



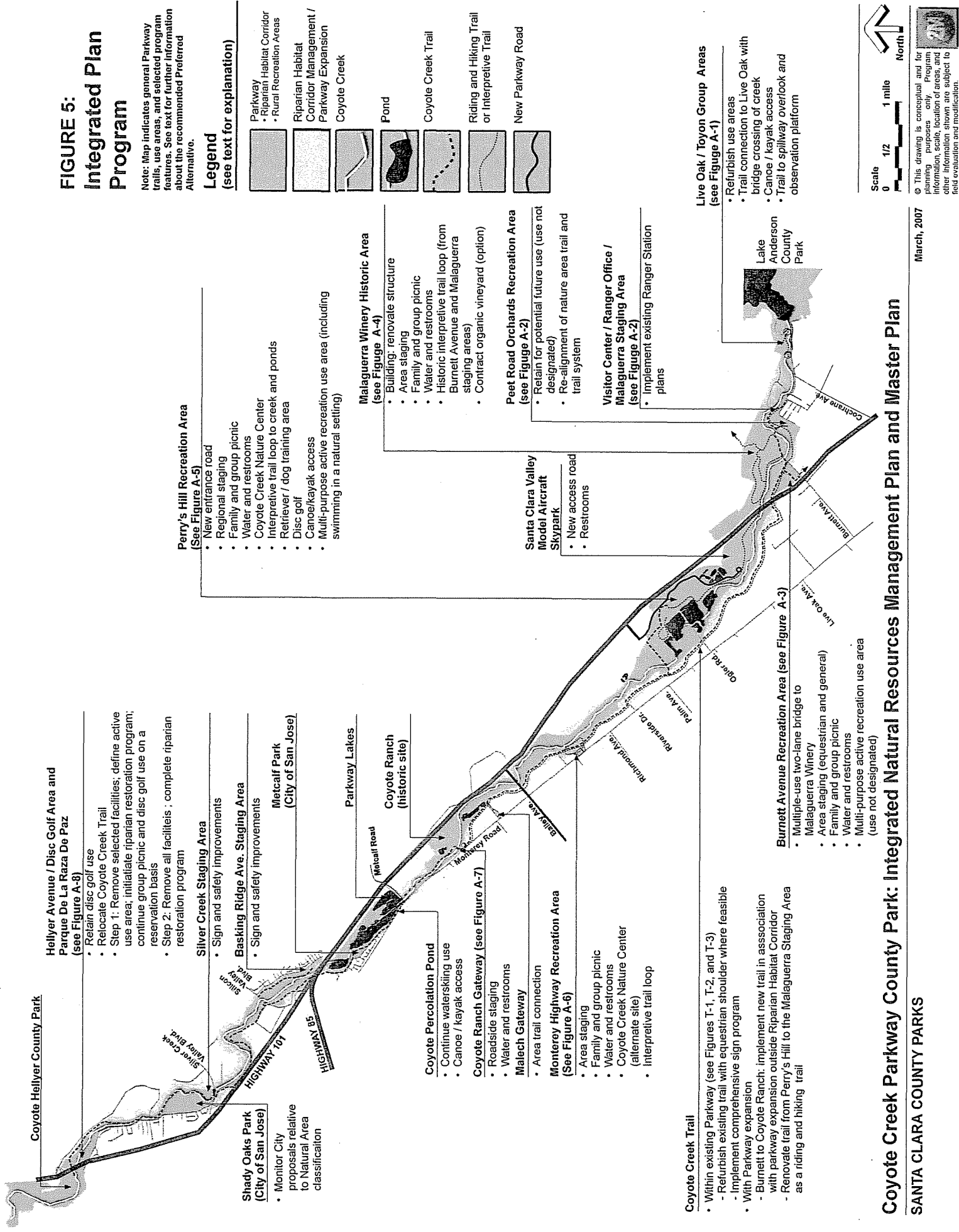
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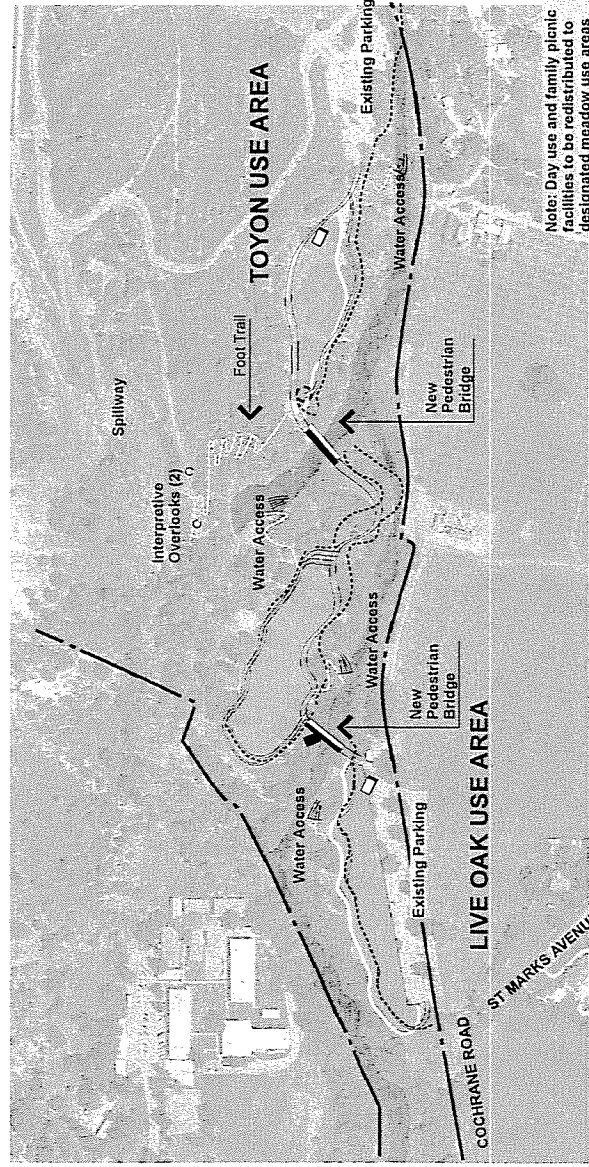
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**FIGURE A-1:
Live Oak and Toyon
Group Areas**

Program

- Refurbish use areas
- Trail connection between use areas with bridge crossings of creek
- Controlled Creek access points
- Creek canoe / kayak put-in / take-out
- Trail to spillway overlook and observation platform



LEGEND

- Existing Park Boundary
- Roads
- Trails
- Shared Use Trail
- Riding and Hiking Trail
- Group Picnic Area
- Entrance Kiosk
- Restrooms
- Meadow Use Area
- Edge of Riparian Habitat Corridor
- Wetland / Riparian Infill and Enhancement Areas
- Coyote Creek - Generalized Low-Flow Channel
- Habitat Access Control Fencing

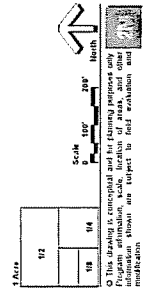


FIGURE A-2: Visitor Center / Ranger Office / Malaguerra Staging Area

As reviewed by the Santa Clara
County Parks and Recreation
Commission: September 2004

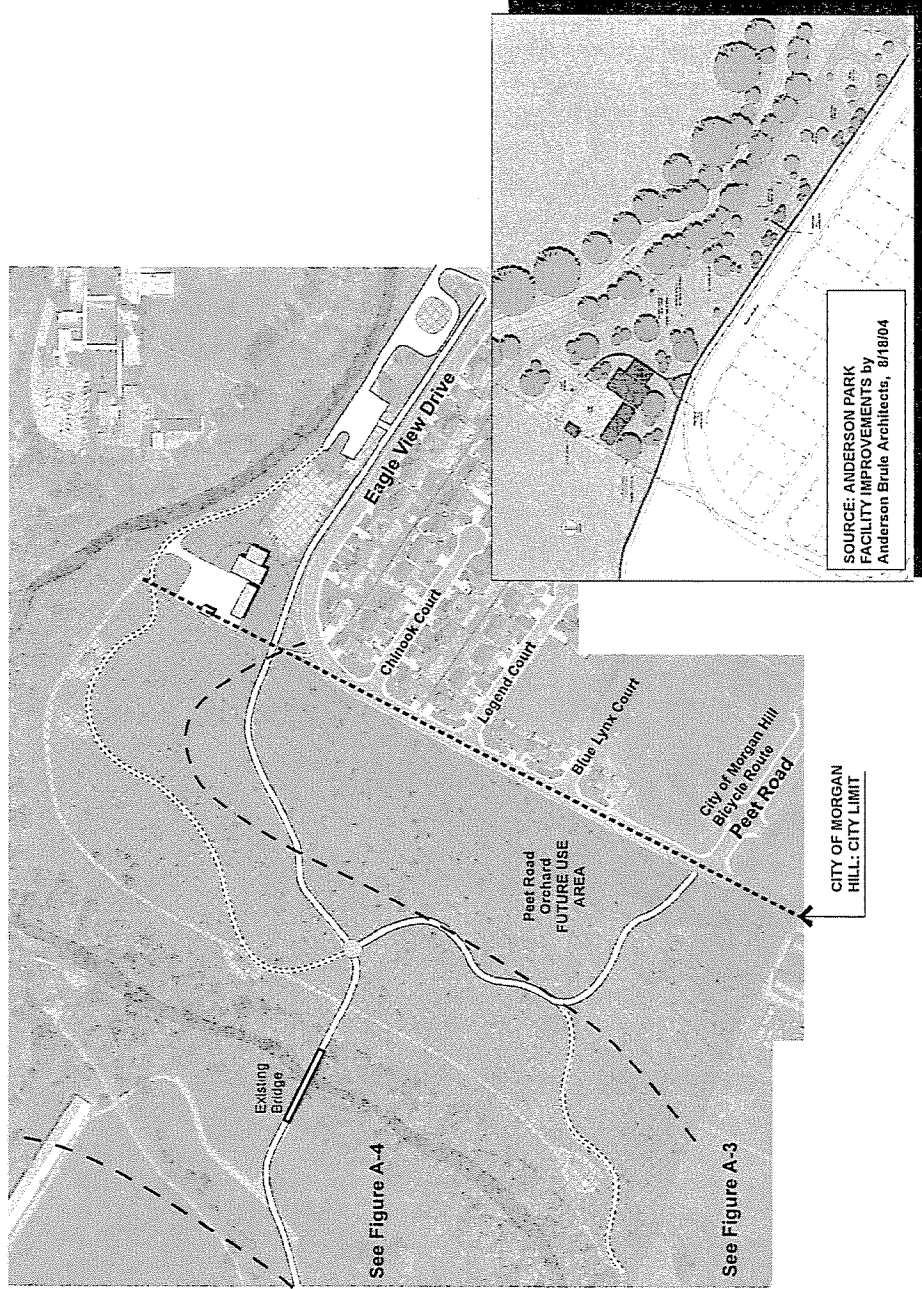
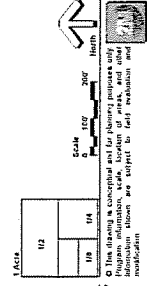
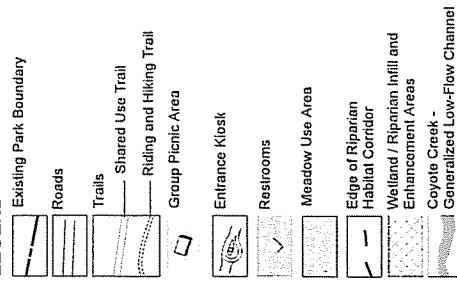
Program

- Implement existing Ranger
Station Plans
- Realign trails to outside
edges of Riparian Habitat
Corridor

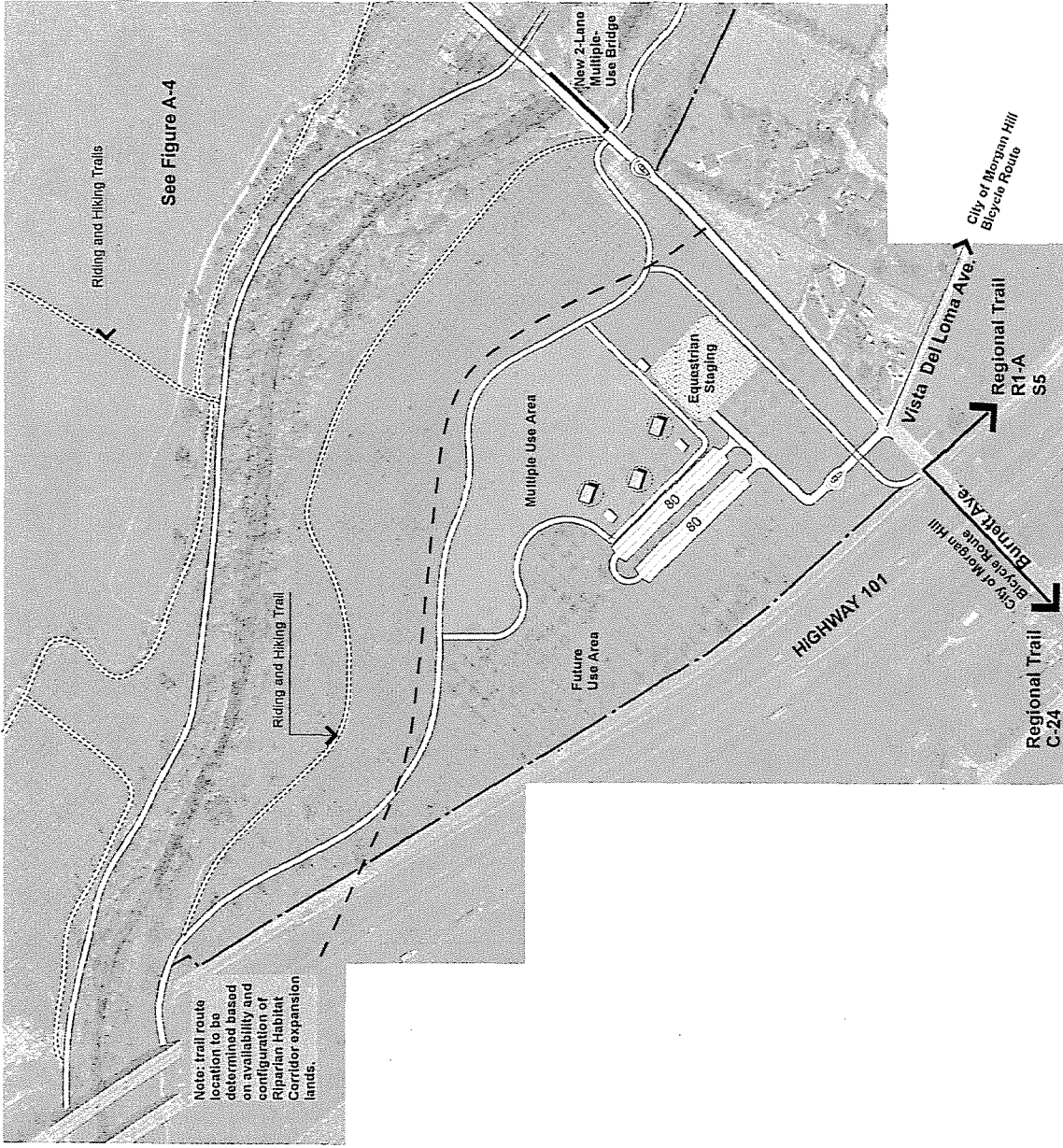
Total Parking: 20 Spaces with
Equestrian (3 Spaces)

Expansion Potential: Yes

LEGEND



SOURCE: ANDERSON PARK
FACILITY IMPROVEMENTS BY
Anderson Brule Architects, 8/18/04



**FIGURE A-3:
Burnett Avenue
Recreation Area**

- Program**
- Area staging (equestrian and general)
 - Family and group picnic
 - Water and restrooms
 - Multi-purpose active recreation use area (use not designated)

Total Parking: 160 Spaces with Equestrian Staging
Expansion Potential: Yes

LEGEND

	Existing Park Boundary		Entrance Kiosk
	Roads		Restrooms
	Trails		Meadow Use Area
	Shared Use Trail		Edge of Riparian Habitat Corridor
	Riding and Hiking Trail		Wetland / Riparian Infill and Enhancement Areas
	Group Picnic Area		Coyote Creek
			Generalized Low-Flow Channel

Scale
 0 100 200 Feet
 0 100 200 Meters
 North

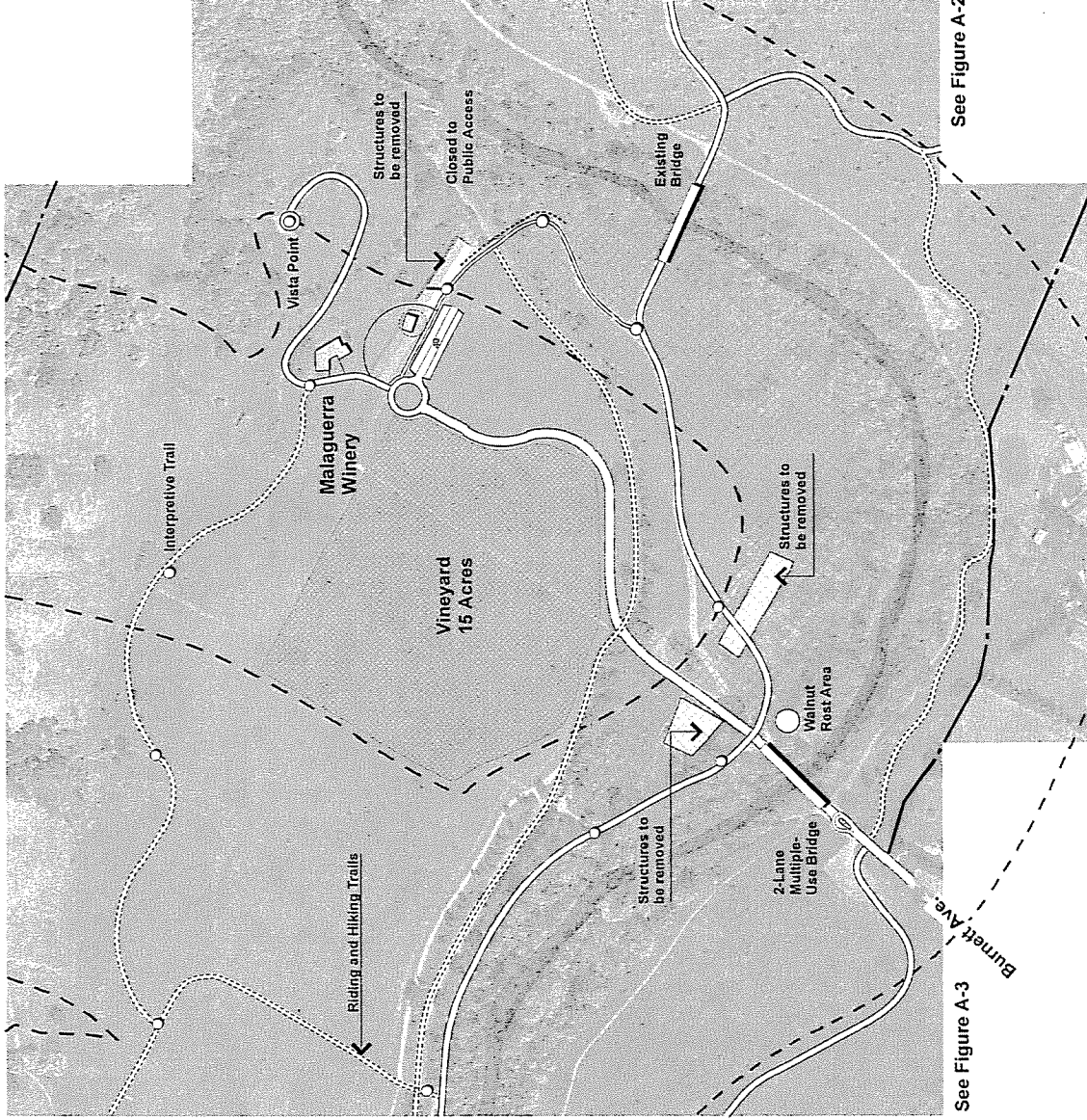
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**FIGURE A-4:
Malaguerra Winery
Historic Area**

Program

- Two-lane multiple use bridge from Burnett Avenue
- Building: renovate structure
- Historic interpretive trail loop (from Burnett Avenue and Malaguerra Avenue area)
- Contract organic vineyard (option)

Total Parking: 40 Spaces
Expansion Potential: Yes



See Figure A-2

See Figure A-3

LEGEND

- Existing Park Boundary
- Roads
- Trails
- Shared Use Trail
- Riding and Hiking Trail
- Group Picnic Area
- Entrance Kiosk
- Restrooms
- Meadow Use Area
- Edge of Riparian Habitat Corridor
- Wetland / Riparian Infill and Enhancement Areas
- Coyote Creek - Generalized Low-Flow Channel
- Interpretive Point / Learning Station
- Habitat Access Control Fencing

1 Acre

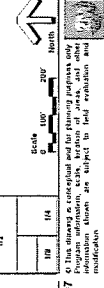


FIGURE A-5:

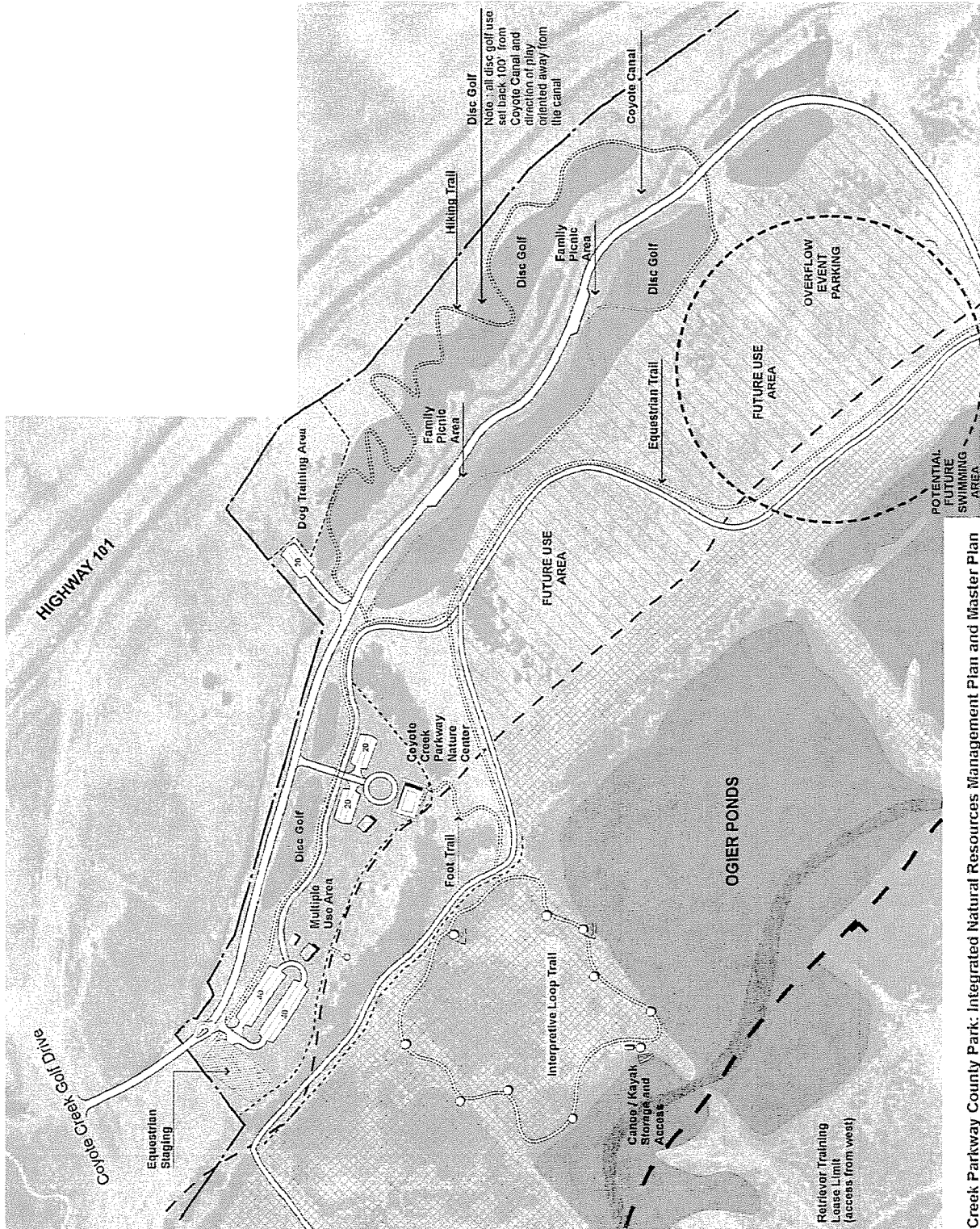
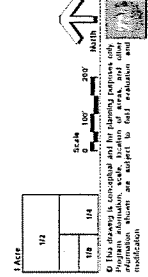
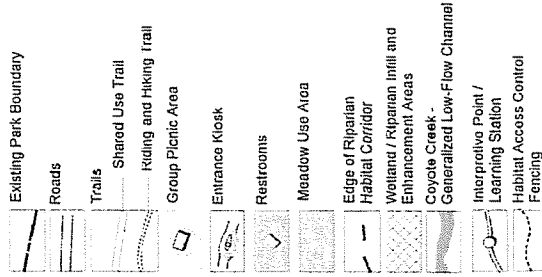
**Perry's Hill
Recreation Area**

Program

- New entrance road
- Regional staging area
- Family and group picnic
- Water and restrooms
- Coyote Creek Nature Center
- Interpretive trail loop(s) to / through ponds and creek
- Retriever / dog training areas
- Potential regional swimming area

Total Parking: 140 Spaces with
Equestrian Staging
Expansion Potential: Yes

LEGEND



Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

To: Santa Clara County
Model Aircraft SkyPark

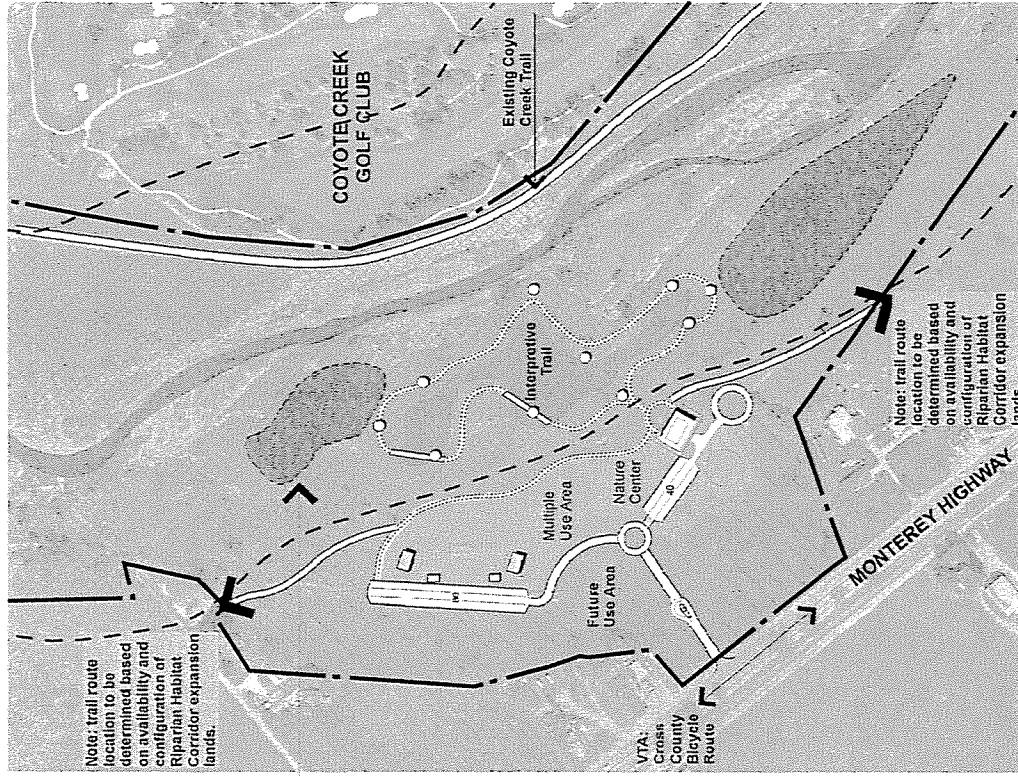
March, 2007

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FIGURE A-6: **Monterey Highway** **Recreation Area** **Program**

- Area or regional staging
- Family and group picnic
- Water and restrooms
- Nature Center (alternate site)
- Interpretive trail loop

Total Parking: 140 Spaces
Expansion Potential: Yes



Approximate locations of VTA mitigation sites

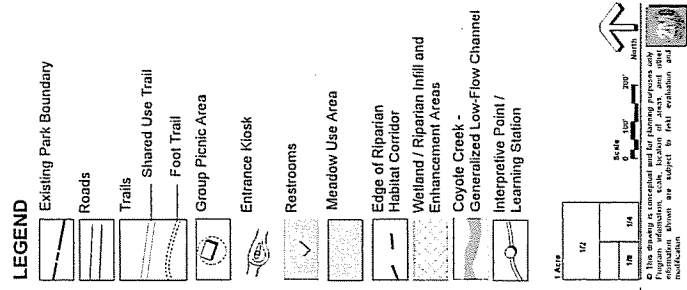


FIGURE A-7: **Coyote Ranch** **Historic Area** **Program**

- Area staging (equestrian and general)
- Water and restrooms

Parking: 40 Cars with
 Equestrian Staging
 Expansion Potential: No

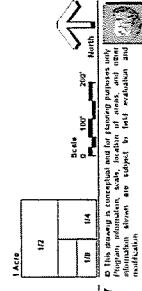
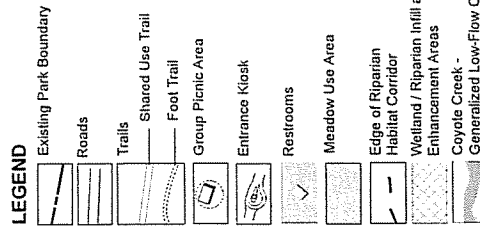
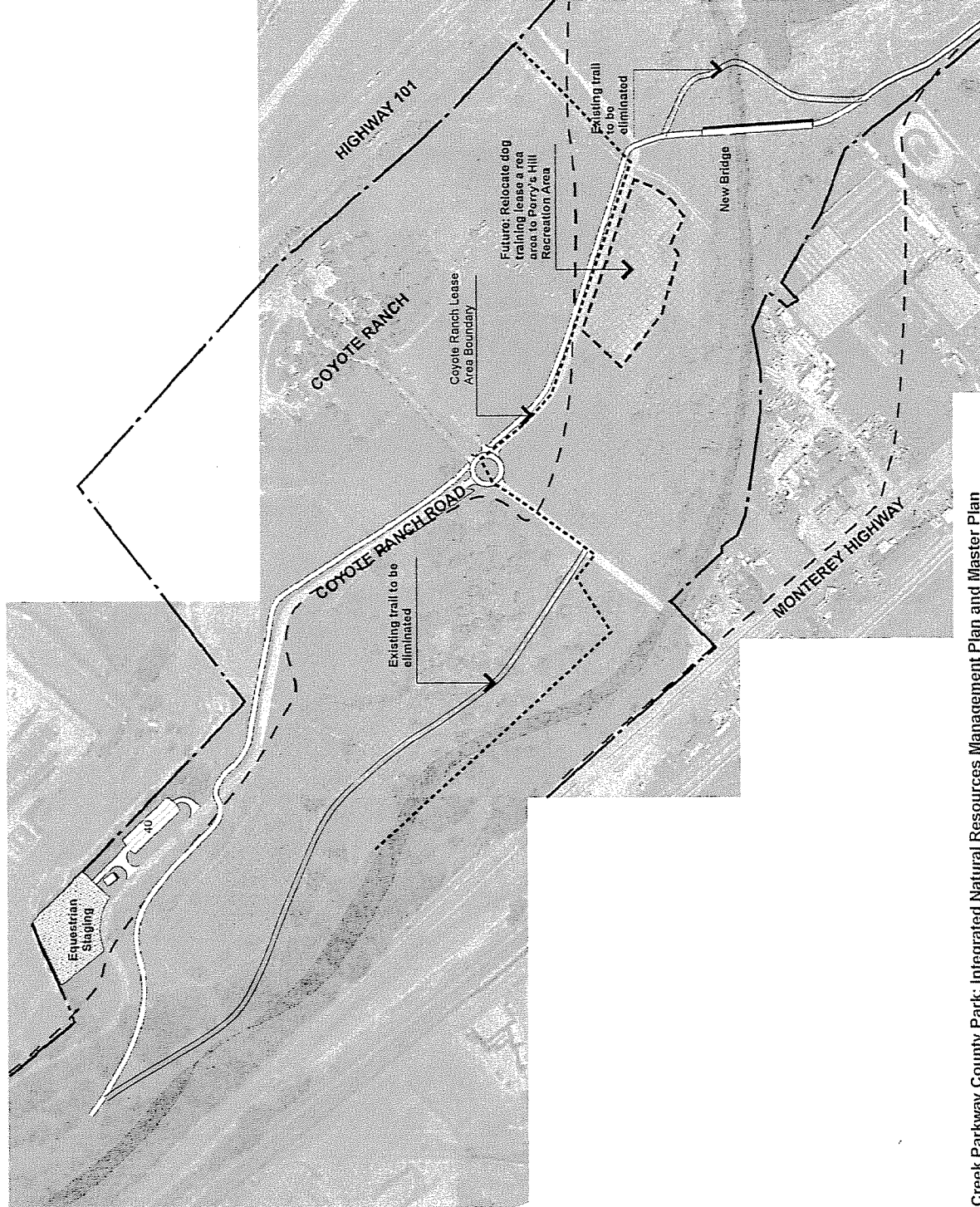
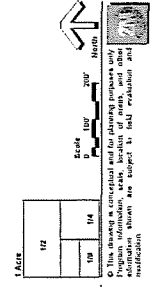
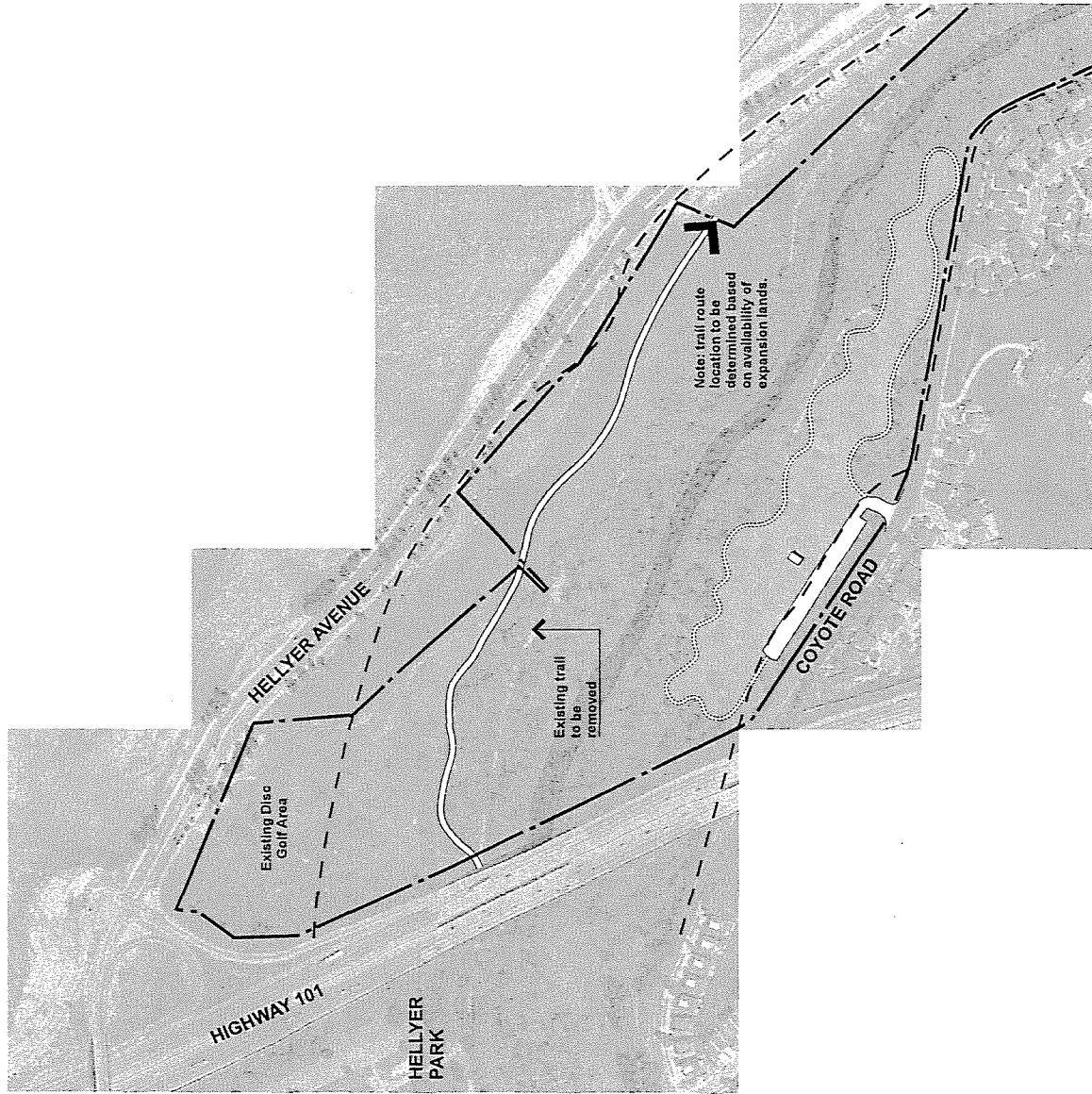


FIGURE A-8:
Disc Golf Area and
Parque De La Raza
De Paz
Program

- Continue disc golf at its existing location
- Parque de la Raza de Paz Step 1 (illustrated): remove the upper restroom and parking area; refurbish active use area; initiate riparian restoration; continue group uses on limited basis
- Step 2: remove remaining facilities and complete riparian restoration

LEGEND

- Existing Park Boundary
- Roads
- Trails
- Shared Use Trail
- Foot Trail
- Group Picnic Area
- Entrance Kiosk
- Restrooms
- Meadow Use Area
- Edge of Riparian Habitat Corridor
- Wetland / Riparian Infill and Enhancement Areas
- Coyote Creek - Generalized Low-Flow Channel



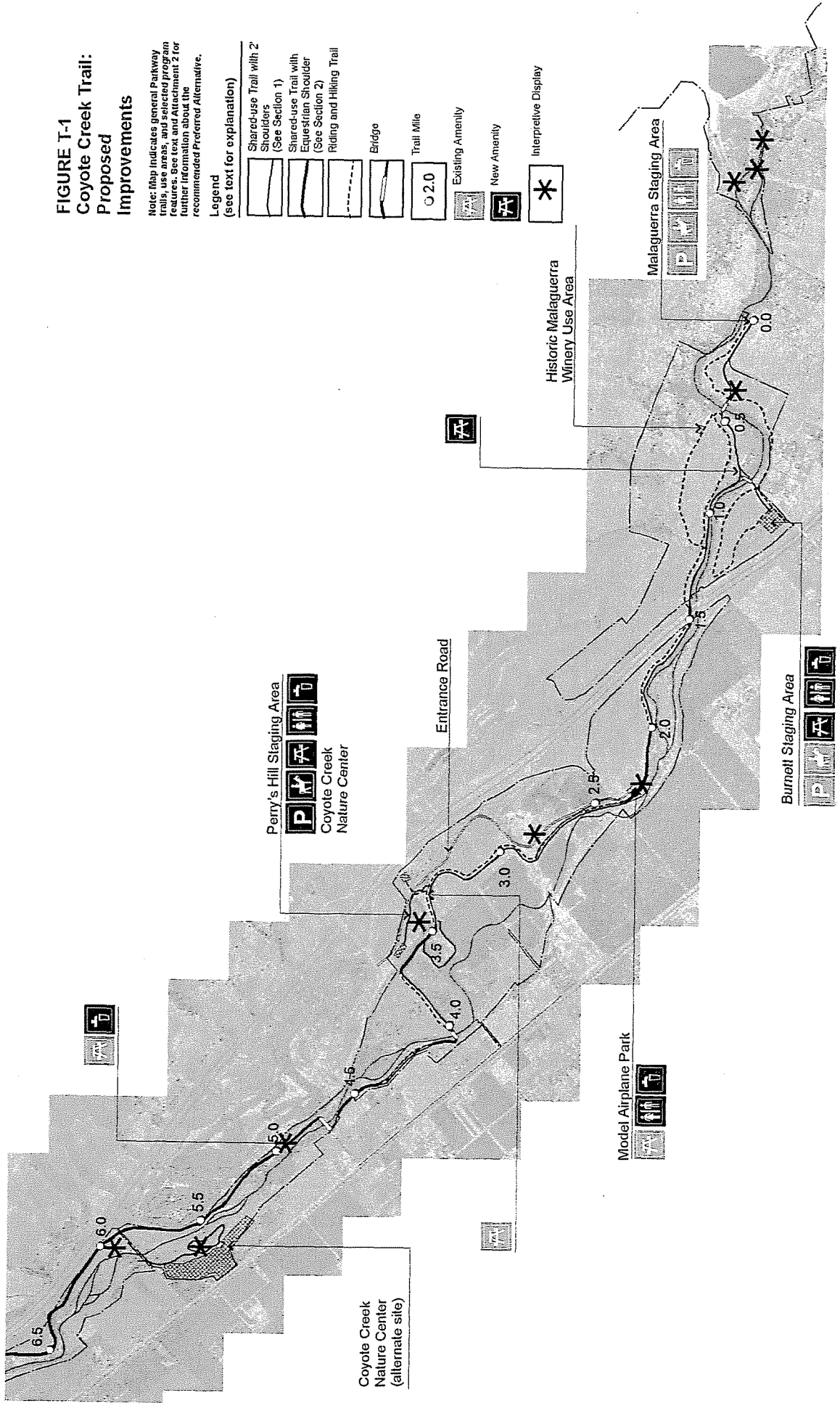


FIGURE T-2
Coyote Creek Trail:
Proposed
Improvements

Note: Map indicates general Parkway trail, use cross-sectioned program for further information about the recommended Preferred Alternative.

Legend

(see text for explanation)

- Shared-use Trail with 2' Shoulders (See Section 1)
- Shared-use Trail with Equestrian Shoulder (See Section 2)
- Riding and Hiking Trail
- Bridge
- Trail Mile 0 2.0
- Existing Amenity
- New Amenity
- Interpretive Display

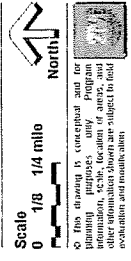
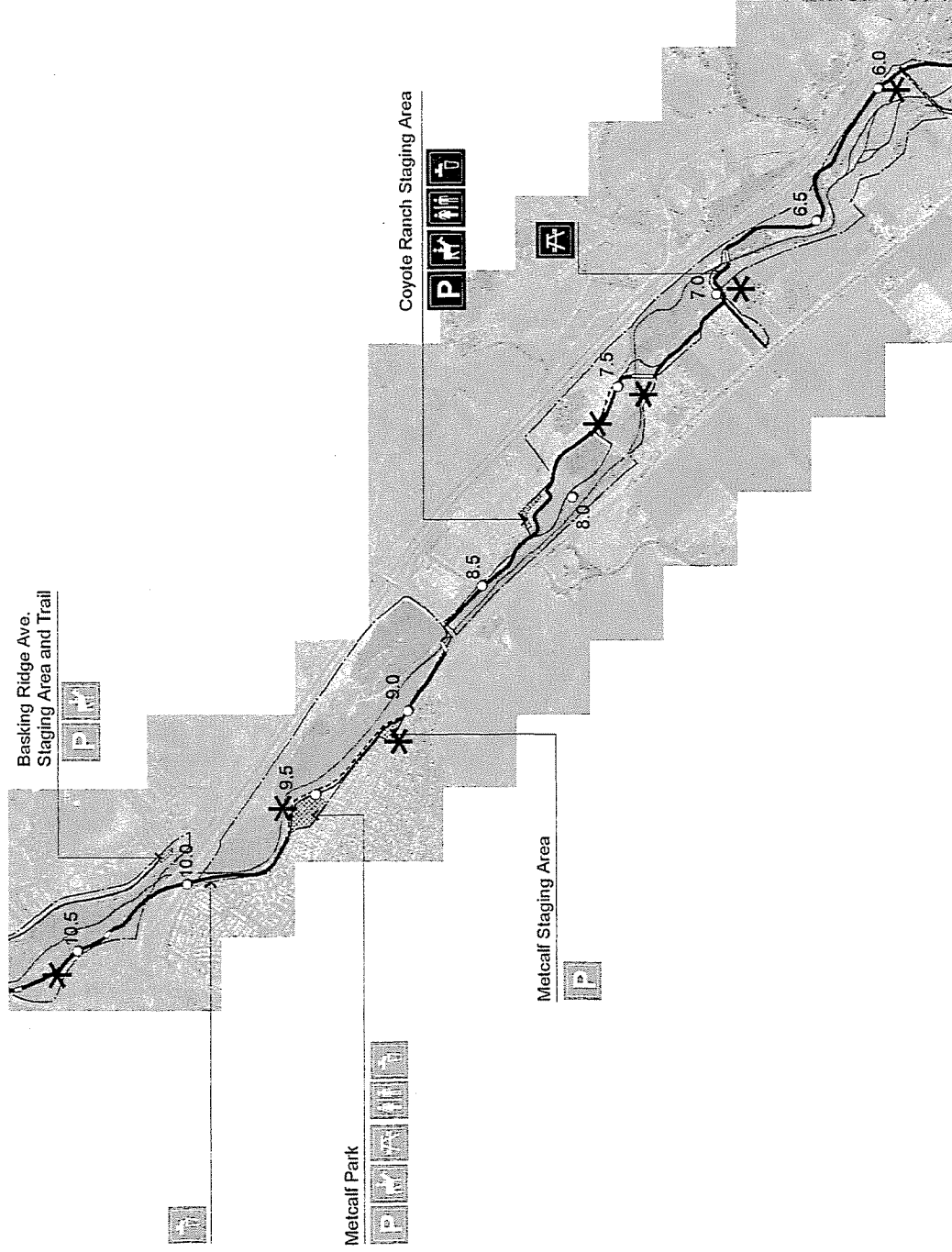


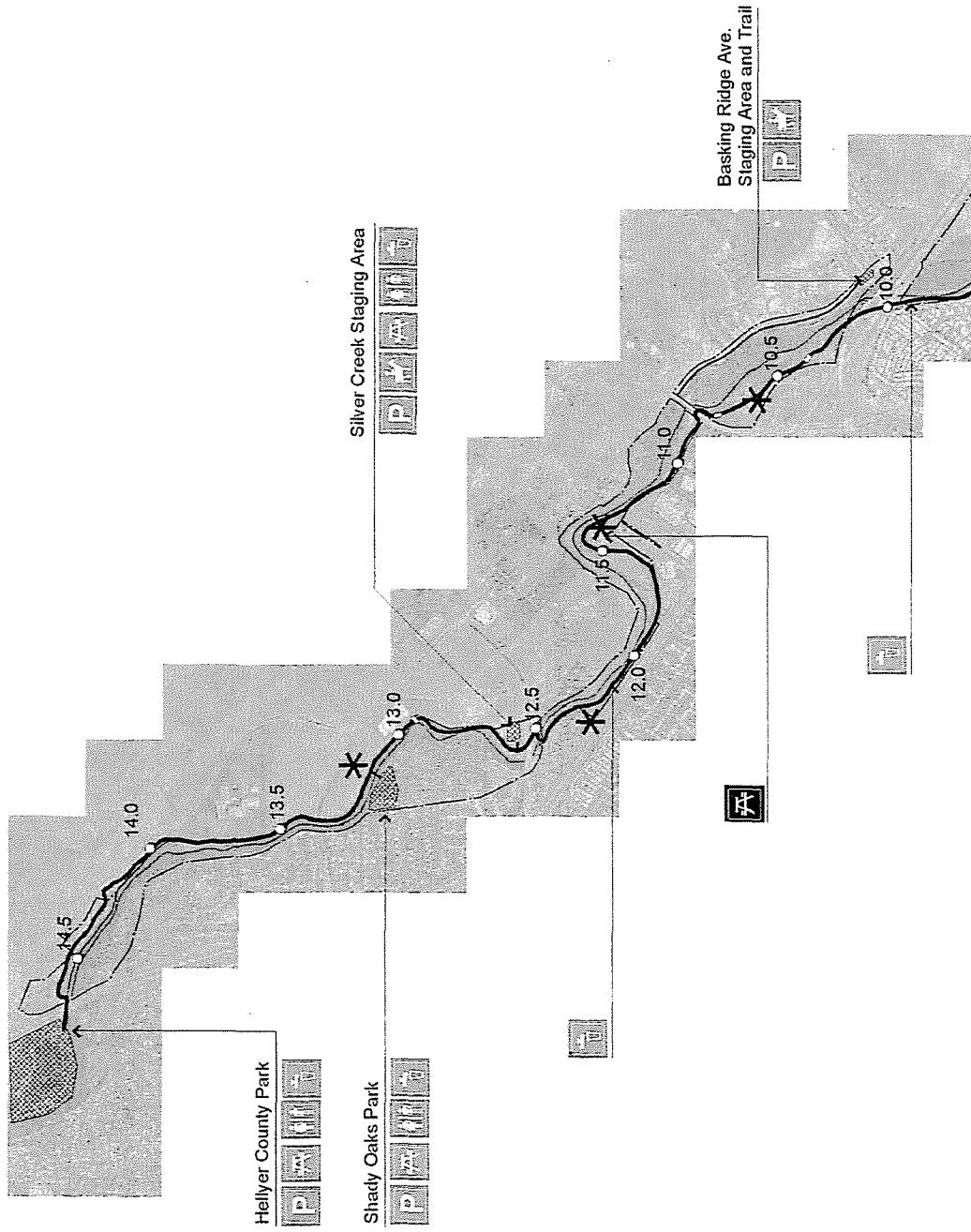
FIGURE T-3
Coyote Creek Trail:
Proposed
Improvements

Note: Map indicates general Parkway trails, use areas, and selected program features. See text and Attachment 2 for further information about the recommended Preferred Alternative.

Legend

(see text for explanation)

- Shared-use Trail with 2' Shoulders (See Section 1)
- Shared-use Trail with Equestrian Shoulder (See Section 2)
- Riding and Hiking Trail
- Bridge
- Trail Mile
- Existing Amenity
- New Amenity
- Interpretive Display

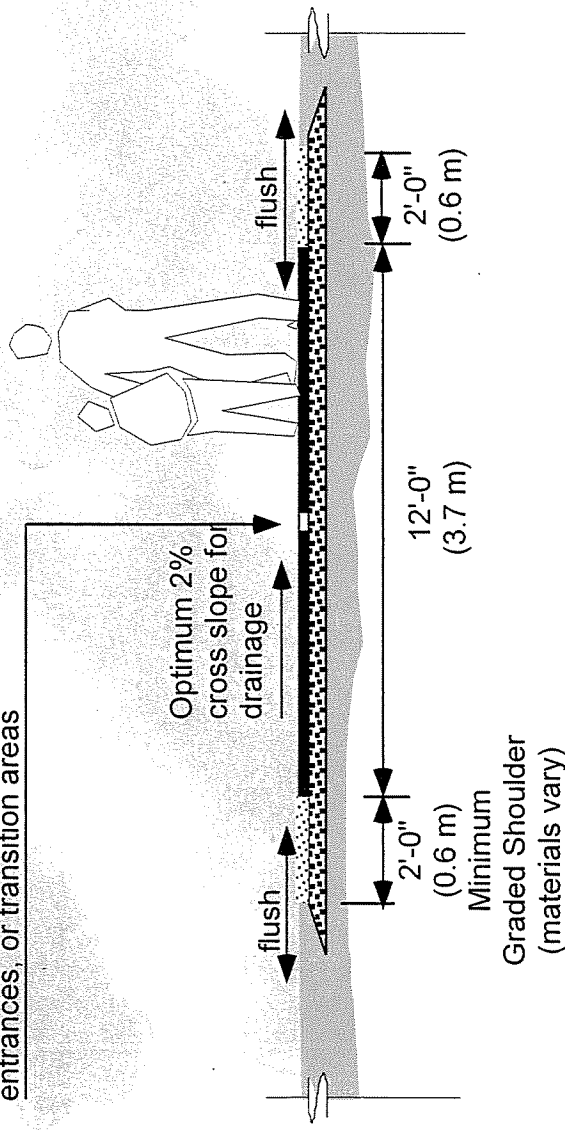


Scale 0 1/8 1/4 mile

North

This drawing is conceptual and for informational purposes only. It is not intended to be used for engineering, construction, or other information. It is subject to field evaluation and modification.

Centerline Stripe: 4" (100 mm)
continuous on sharp curves, trail
entrances, or transition areas



Notes:

- Section shown illustrates optimum trail widths.
- Trail pavement surface and shoulder widths may vary based on specific site/use conditions and consistent with CalTrans design standards.
- Trail designed to accommodate use by maintenance and emergency access vehicles.

TRAIL SECTION 1

COYOTE CREEK TRAIL (MULTIPLE USE)

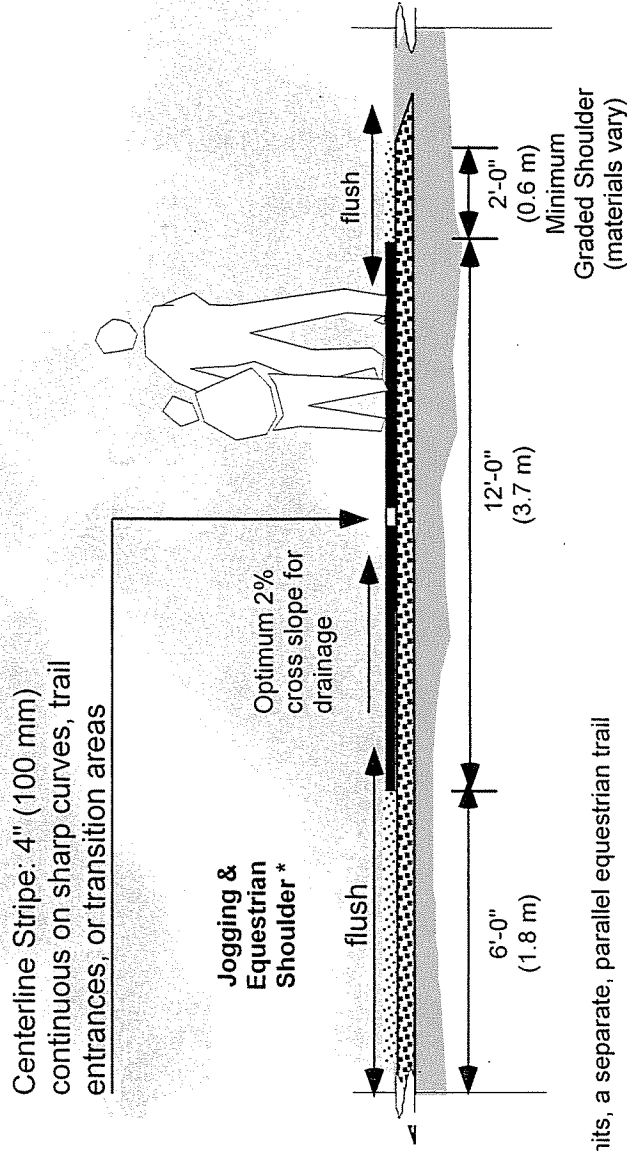
Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

March, 2007

This drawing is prepared and for planning purposes only. Program assumptions, scale, location of area, and other information shown are subject to final evaluation and modification.

Typical
Section



* Where space permits, a separate, parallel equestrian trail will be provided

Notes:

- Section shown illustrates optimum trail widths.
- Trail pavement surface and shoulder widths may vary based on specific site/use conditions and consistent with CalTrans design standards.
- Trail designed to accommodate use by maintenance and emergency access vehicles.

Typical
Section

TRAIL SECTION 2

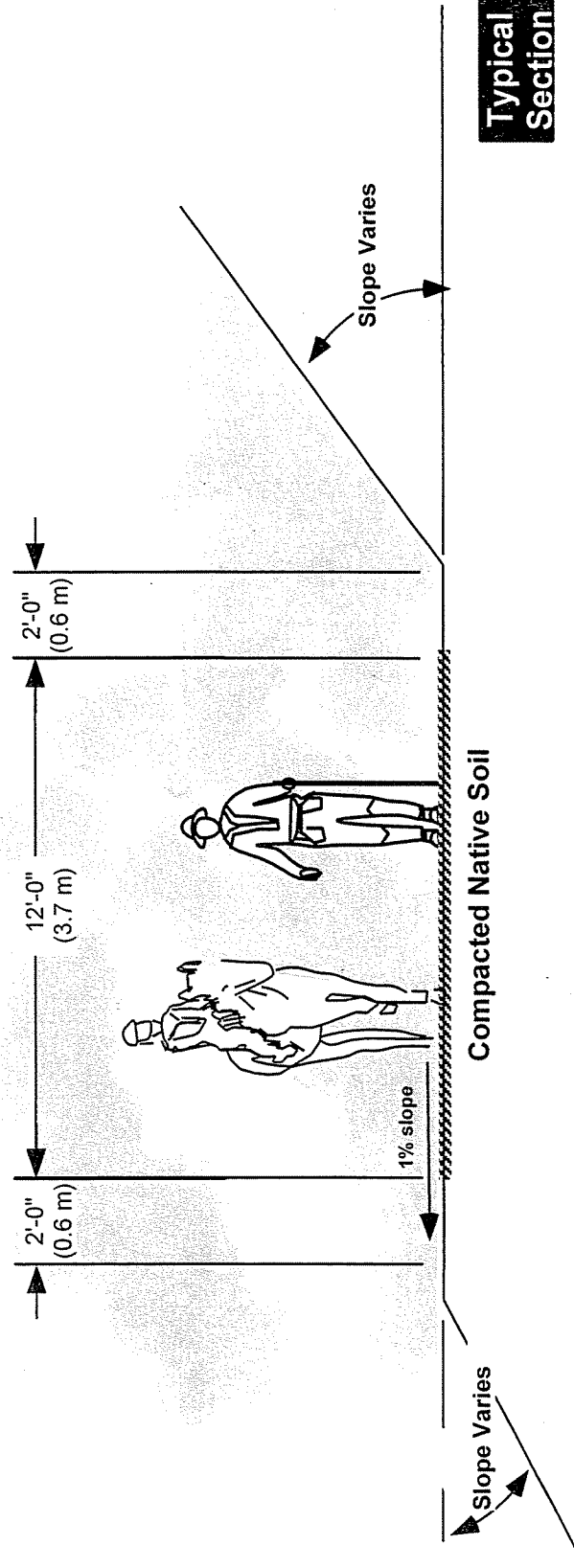
COYOTE CREEK TRAIL (MULTIPLE USE WITH EQUESTRIAN SHOULDER)

Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

March, 2007

This drawing is conceptual and for planning purposes only. Program, materials, scale, location of areas, and other information shown are subject to final evaluation and modification.



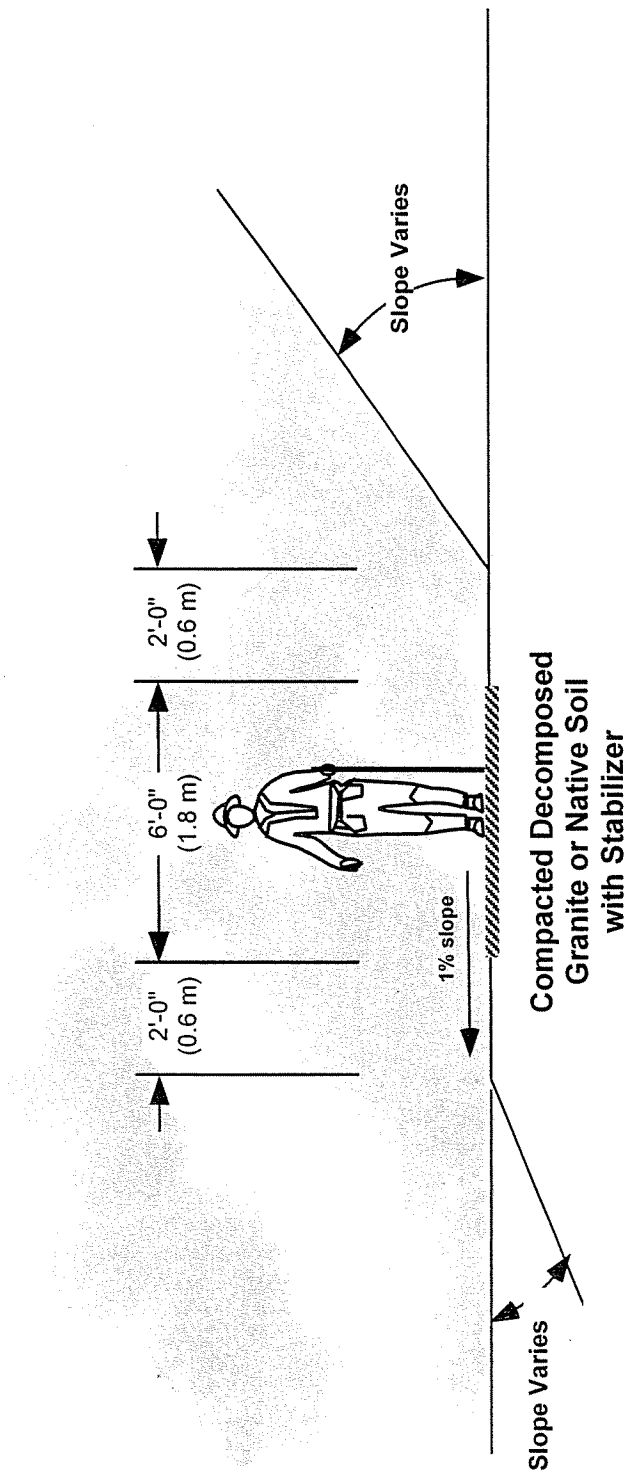
TRAIL SECTION 3 RIDING (EQUESTRIAN) AND HIKING TRAILS

Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

March, 2007

This drawing is conceptual and for planning purposes only. Program, estimating, scale, location of areas, and other information shown are subject to final verification and modification.



**Typical
Section**

TRAIL SECTION 4

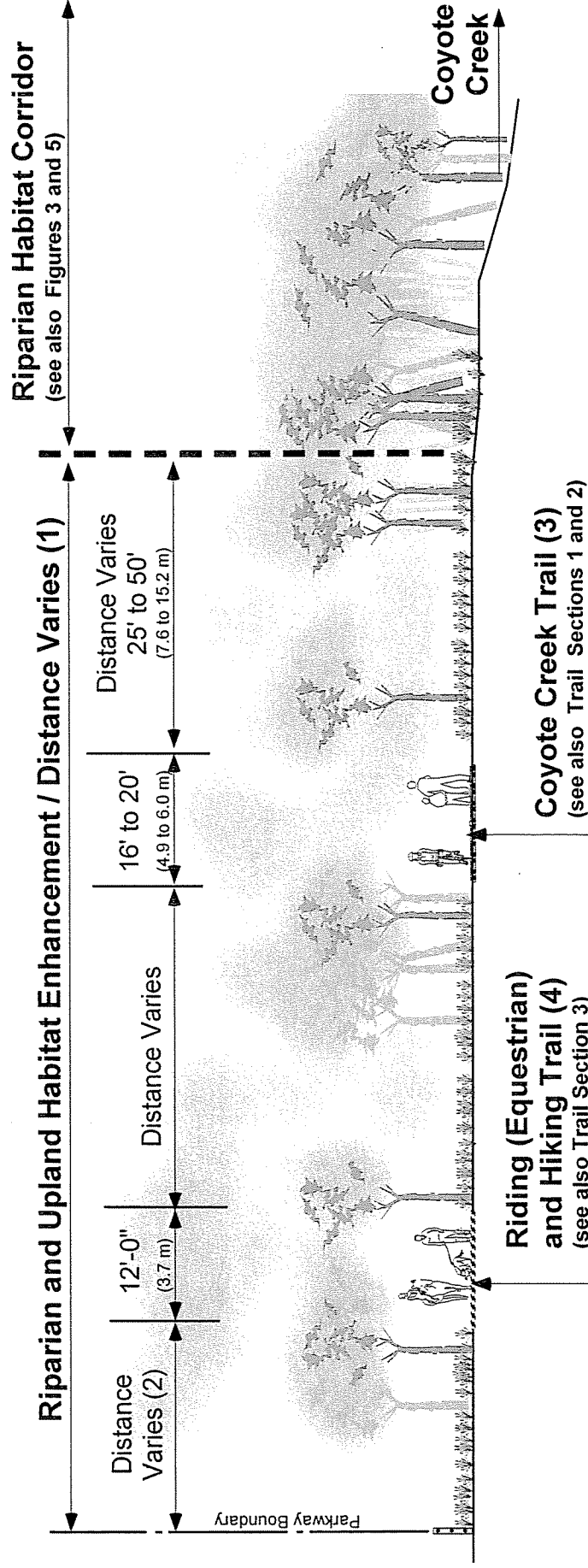
HIKING TRAILS

Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

March, 2007

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(1) See Table 4 for explanation.

(2) For distances from adjacent residences see text and Table G-1 of the Santa Clara County Trails Master Plan Update.

(3) See Figure 5. Applies to newly constructed sections of the Coyote Creek Trail when not crossing the Riparian Habitat Corridor. These trail sections are generally located on the west side of Coyote Creek between the Burnett Recreation Area and Coyote Ranch Historic Area.

(4) See Figure 5. In certain circumstances the equestrian trail may be located on the opposite bank of Coyote Creek from the Multiple Use Trail.

TRAIL SECTION 5

COYOTE CREEK PARKWAY TRAIL AND THE RIPARIAN HABITAT CORRIDOR

Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan

SANTA CLARA COUNTY PARKS

March, 2007



ATTACHMENTS

ATTACHMENT 1: Park Classifications

Natural Areas - The Parkway's Natural Areas are defined as the Riparian Habitat Corridor. General characteristics include:

- Lands generally managed for conditions that best protect the environment and habitat value;
- Lands developed with only minimal amenities needed to provide public access for low-intensity and dispersed recreation.

Common recreation activities that would occur within the Parkway's Natural Areas include, but are not necessarily limited to: trail use such as walking, hiking, jogging, horseback riding, and biking; observing nature for personal growth, outdoor education, or scientific research; and casual picnicking not requiring facilities. Dogs, with the exception of designated training areas, would be required to be on-leash.

Land Suitability	<ul style="list-style-type: none">• Terrain and vegetation patterns variable• Generally moderate to high habitat value• Habitat for listed species
Infrastructure	<ul style="list-style-type: none">• Minimal services
Common Use Facilities	<ul style="list-style-type: none">• Use and safety signs• Parking /staging for trail-related recreation• Trails and fire roads• Possibly drinking water and vault toilets at staging areas• Back-country trail camps (w/o facilities)• Emergency phones
User Experience	<ul style="list-style-type: none">• Opportunity to get away from others• High probability of experiencing solitude; closeness to nature, tranquility, self-reliance, challenge and risk• Minimal on-site controls
Management and Resource Conservation	<ul style="list-style-type: none">• Non-motorized access• Management practices to enhance habitat, provide fire protection, and/or provide user safety• Agriculture (grazing) in support of resource management or historic interpretive purposes

Rural Recreation Areas - The Parkway's Rural Recreation Areas typically occur outside the Riparian Habitat Corridor. General characteristics include:

- Lands generally in an undeveloped condition that appear natural in character and encompass a wide variety of habitat types;
- Lands that could be developed for relatively moderate to high-impact public recreation uses.

Common recreation activities that would occur within the Parkway's Rural Recreation Areas include, but are not necessarily limited to those activities found within Natural Areas plus: family and small-group picnicking; activities facilitated by a paved trail; education and interpretation supported by nature centers and other outdoor interpretive facilities; open meadow play areas associated with picnic areas; vehicular and walk-in camping; non-powered and powered boating; swimming in a natural setting; fishing; astronomy and star gazing; off-leash dog training; and special events on a permit basis. In addition, specialized recreation activities of regional significance might occur within Rural Recreation Areas.

Land Suitability	<ul style="list-style-type: none">• Terrain and vegetation patterns suitable for a variety of outdoor recreation uses• Habitat values may vary from low to high• Listed species that may be present would not significantly restrict recreation access and use
Infrastructure	<ul style="list-style-type: none">• Generally accessible from Highway 101 or the Monterey Highway or public transportation system• Domestic services (electricity, drinking water, sanitary sewer or septic) possible

ATTACHMENT 2: COUNTY EMINENT DOMAIN POLICIES

The following policies related to the acquisition of trails and easements are from the *Santa Clara County Trails Master Plan Update*, an element of the County General Plan, adopted in November, 1995 (see Attachment 2).

PREAMBLE: THE SPIRIT OF THE COUNTYWIDE TRAILS MASTER PLAN UPDATE **IMPLEMENTING THE COUNTYWIDE TRAILS MASTER PLAN AND LIMITATIONS ON THE USE OF EMINENT DOMAIN**

For trails to be acquired by the County of Santa Clara, the power of eminent domain shall only be used in accordance with the policies of the Board of Supervisors as contained in the Eminent Domain Element of the Acquisition Policy, Parks and Open Space adopted on April 24, 1990. For trails, the use of eminent domain would only apply:

- whenever the action would serve the convenience and mutual interests of both a consenting seller and the County.
- to acquire trails and trail easements only in non-rural areas located within city boundaries, including unincorporated areas within those boundaries, and any areas bordering the San Francisco Bay.

PR-TS 2.3 (C-PR 25; R-PR 27) Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated on the County General Plan Land Use Map as Agriculture shall not be required (including easements) or developed outside of County road rights-of-way until or unless: (1) the land use designation is amended to a non-Agriculture designation, or (2) there is specific interest or consent expressed by a willing property owner / seller. Where there is a specific interest or consent expressed by a willing property owner / seller, trails in areas with prime agricultural lands shall be developed in a manner that avoids any significant impact to the agricultural productivity of those lands

PR-TS 2.4 (C-PR 26; R-PR 28) Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated as Ranchland on the County General Plan Land Use Map and actively used for ranching or other agricultural purposes shall not be required (including easements) or developed outside of County road rights-of-way until or unless: (1) the County is notified of a non-renewal of Williamson Act contract affecting the land on which the trail route or regional staging area would be located; (2) such time as the active ranching and/or agricultural use has been permanently abandoned; (3) the land use designation is amended to a non-ranchland designation, or (4) there is specific interest or consent expressed by a willing property owner / seller.

PR-TS 2.5 (C-PR 26.1; R-PR 28) Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated as Hillside on the County General Plan Land Use Map and actively used for ranching or other agricultural purposes shall not be required (including easements) or developed outside of County road rights-of-way until or unless: (1) the County is notified of a non-renewal of Williamson Act contract affecting the land on which the trail route or regional staging area would be located; (2) such time as active ranching and/or agricultural use has been permanently abandoned; or (3) there is specific interest or consent expressed by a willing property owner / seller.

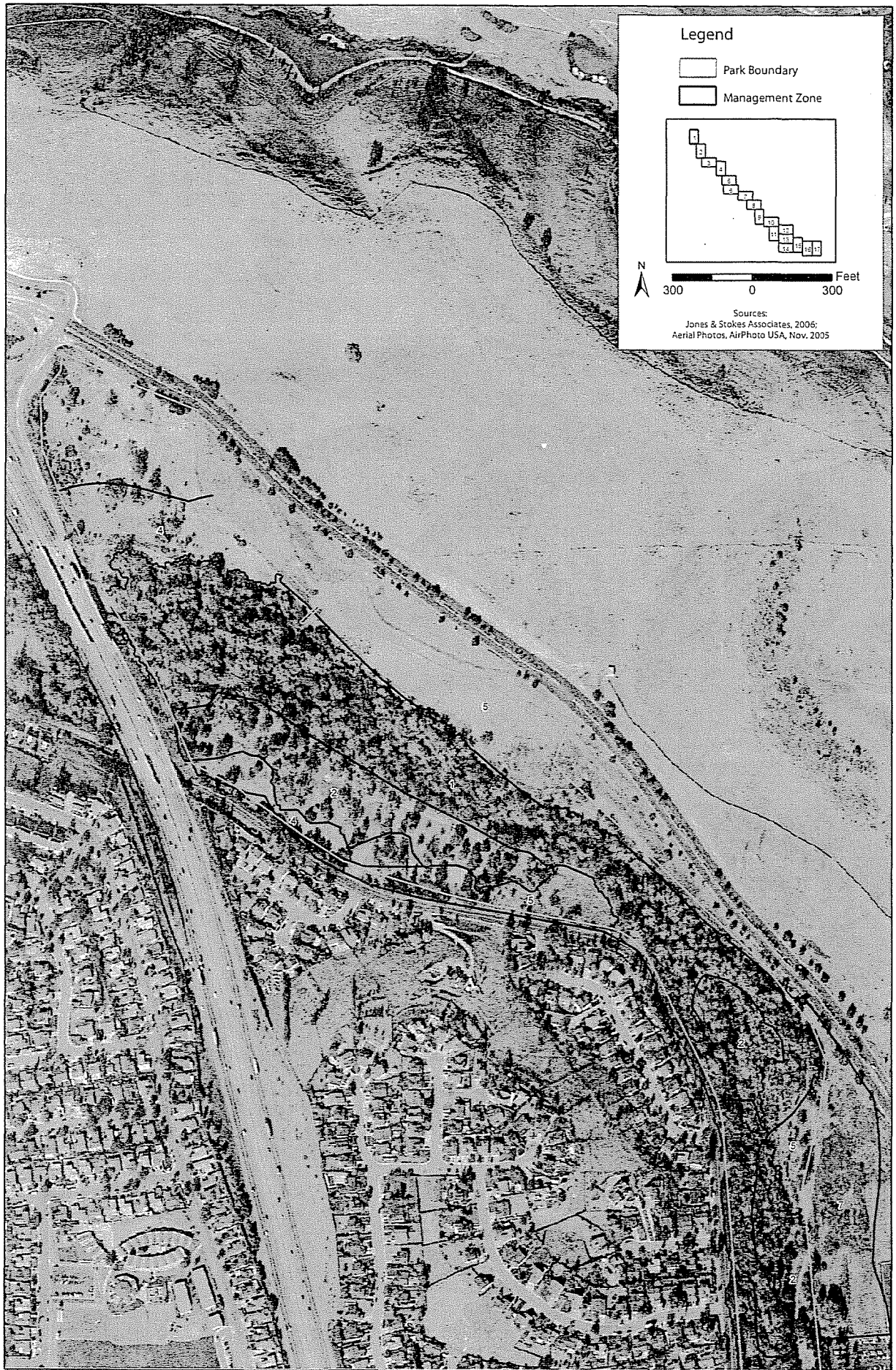
PR-TS 3.3 (C-PR 28; R-PR 30) Trail routes shown on the Countywide Trails Master Plan Map that cross privately-owned lands shown as Agriculture, Ranchland or Hillside on the General Plan Land Use Map will only be acquired from a willing property owner / seller.

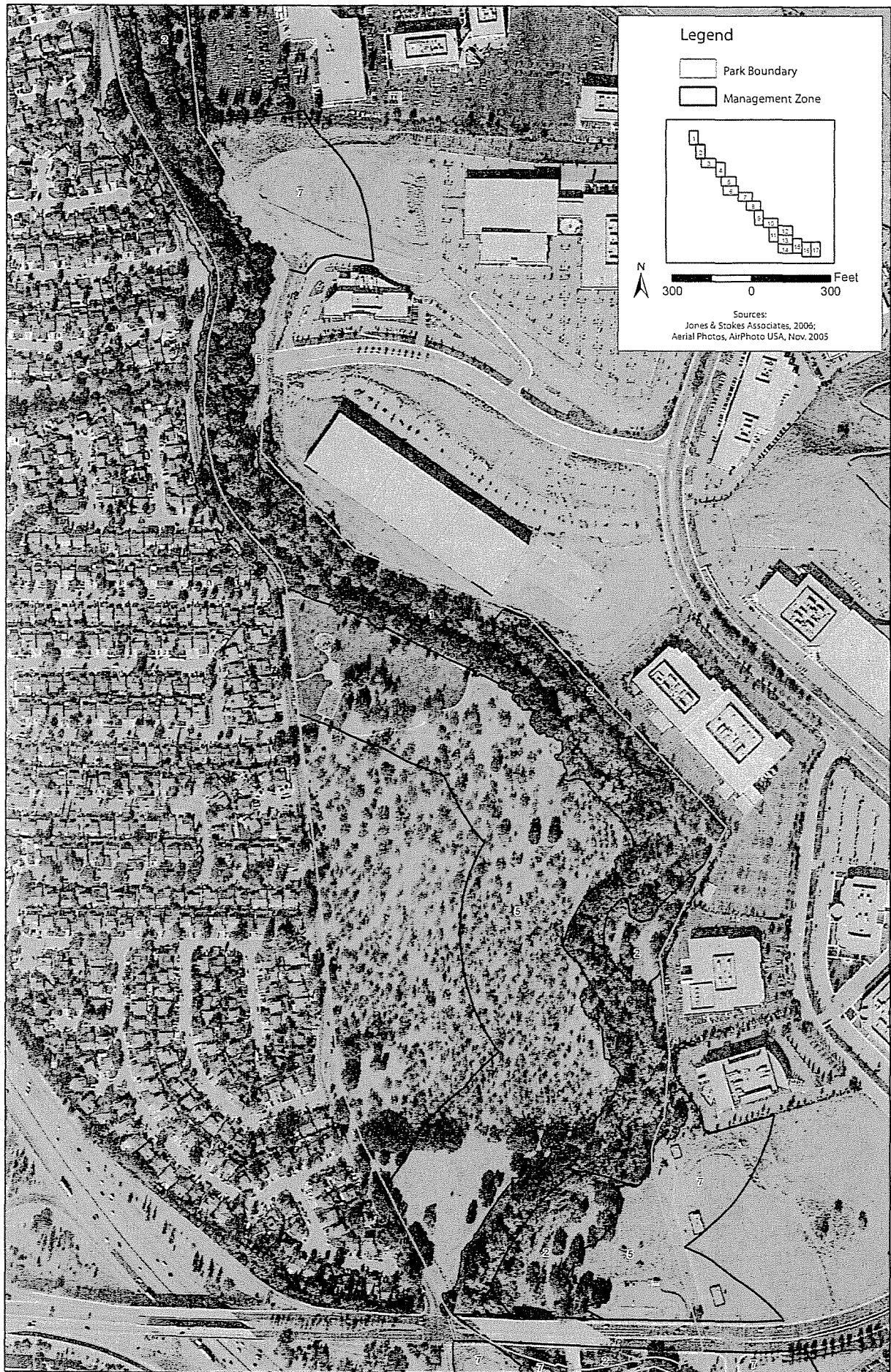
ATTACHMENT 3: HISTORIC TIMELINE AND INTERPRETIVE THEMES

GENERAL TIME PERIOD	HISTORIC THEMES
	Theme: Native Americans <ul style="list-style-type: none"> Tamien and Matalan tribes of the Ohlone Indians were the first to settle on the land that is now Coyote Creek Park Muwekma Ohlone Indian Tribe Battle of Santa Teresa
1776	Theme: Exploration <ul style="list-style-type: none"> The Spanish Settler Juan Bautista De Anza and his party of explorers crossed the creek in March of 1776 and gave it the name of Arroyo Del Coyote. The name is derived from the coyotes they saw on their journey. The creek was originally discovered by Lt. Jose Moraga and named El Arroyo Del Coyote. Sometime later it was renamed to Coyote Creek.
1850-1872	Theme: Discovery <ul style="list-style-type: none"> George Washington Hellyer: born in Ohio in 1832, and came to California in search of gold in the 1850's
1822-1845	Theme: The Ranchos <ul style="list-style-type: none"> Bernal Rancho Rancho del Refugio de la Laguna Seca (Laguna Seca Rancho) and the Coyote Ranch Juan Alvirez Captain John Charles Fremont (1846) Fiacaro Fisher
1904-1913	Theme: Water, Water, and Groundwater <ul style="list-style-type: none"> Laguna Seca and the Coyote Canal: The Hayes-Chenoweth Company and the Imperiale Prune Orchard vs. the Bay Cities Water Company The Coyote Canal: This canal was first recommended by Consulting Engineer Harry L. Haehl to prevent the escape of reservoir releases south of the District and to prevent possible waterlogging of land between Morgan Hill and Coyote (1934)
1916	Theme: The Santa Clara Valley Water District <ul style="list-style-type: none"> Reclamation District 1663 (1916) Santa Clara Valley Water Conservation District (1929) Central Santa Clara Valley Water Conservation District (1949) Santa Clara Valley Water Conservation District annexed the Central Santa Clara Valley Water Conservation District (1954) Santa Clara County Flood Control & Water Conservation District merged with the Santa Clara Valley Water Conservation District creating the Santa Clara Valley Water District (1968)
1935 – 1936	Theme: The Watershed / Coyote and Anderson Dams and Reservoirs Theme: Groundwater Management and Percolation Ponds <ul style="list-style-type: none"> Daly's Crossing Lockyear's Crossing
	Theme: Sand and Gravel Mining and the creation of ponds, wetlands, and seasonal wetlands

ATTACHMENT 4:

NATURAL RESOURCE MANAGEMENT ZONE MAPS (Figures B-1 thru B-17)





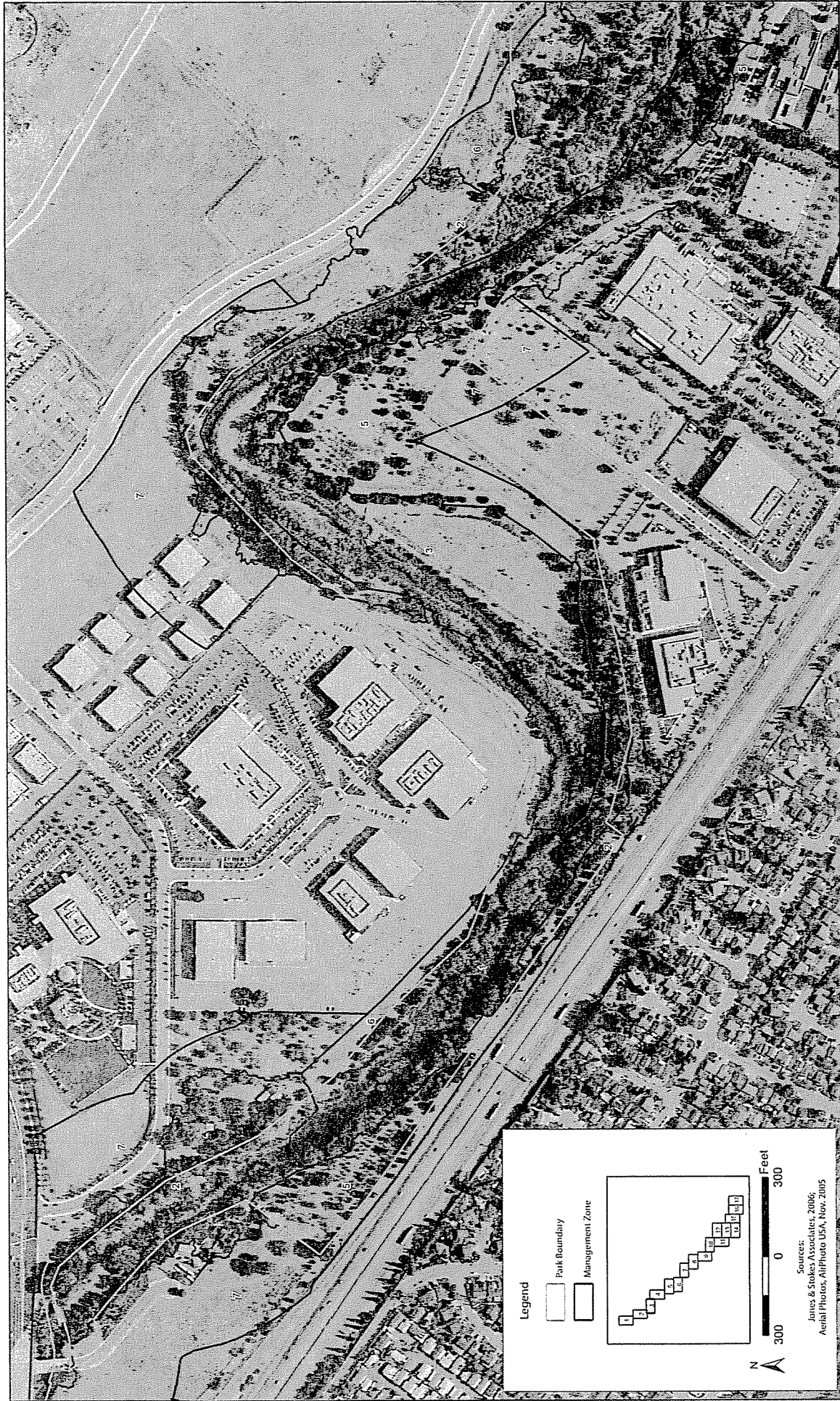


Figure B-3





Figure B-5

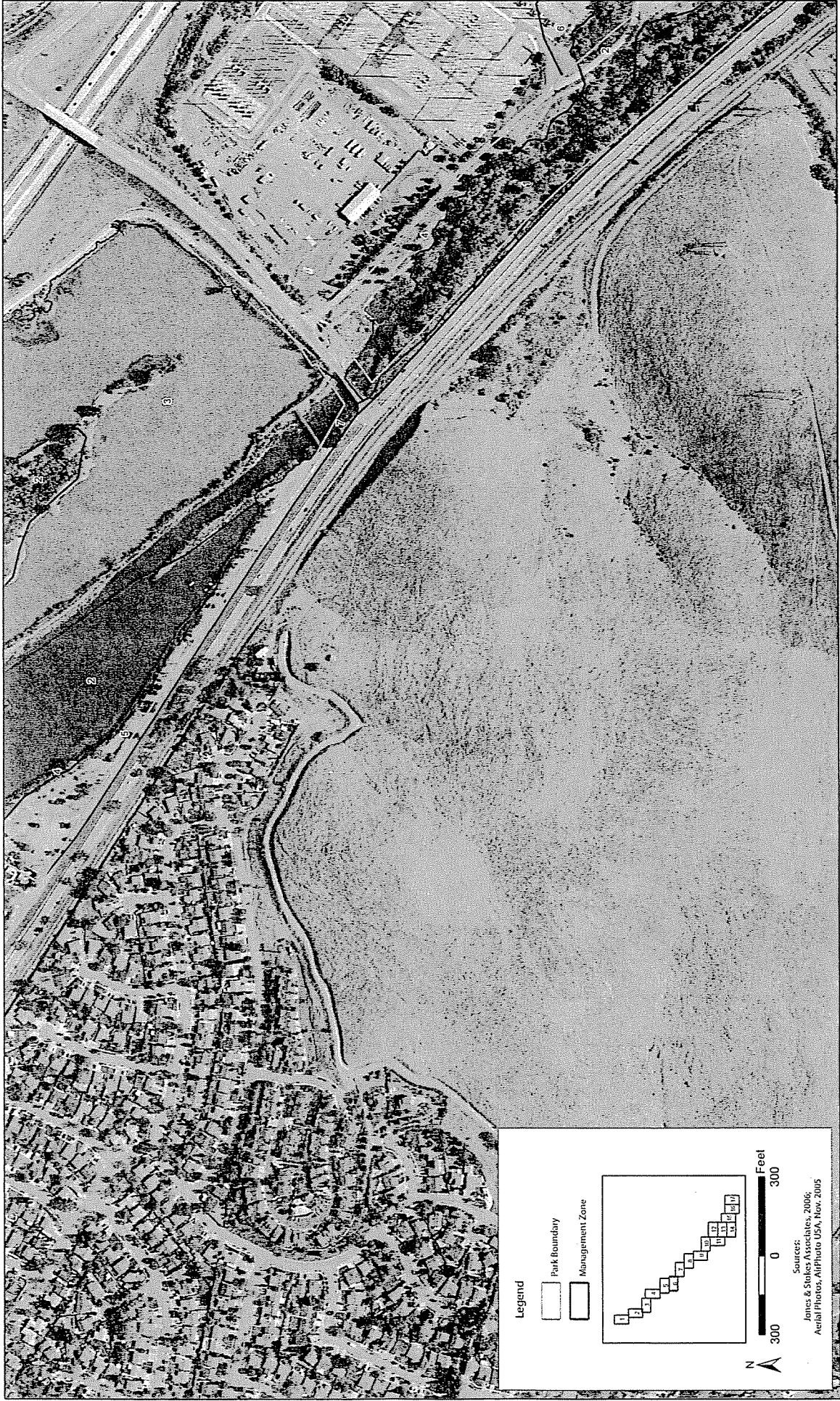


Figure B-6



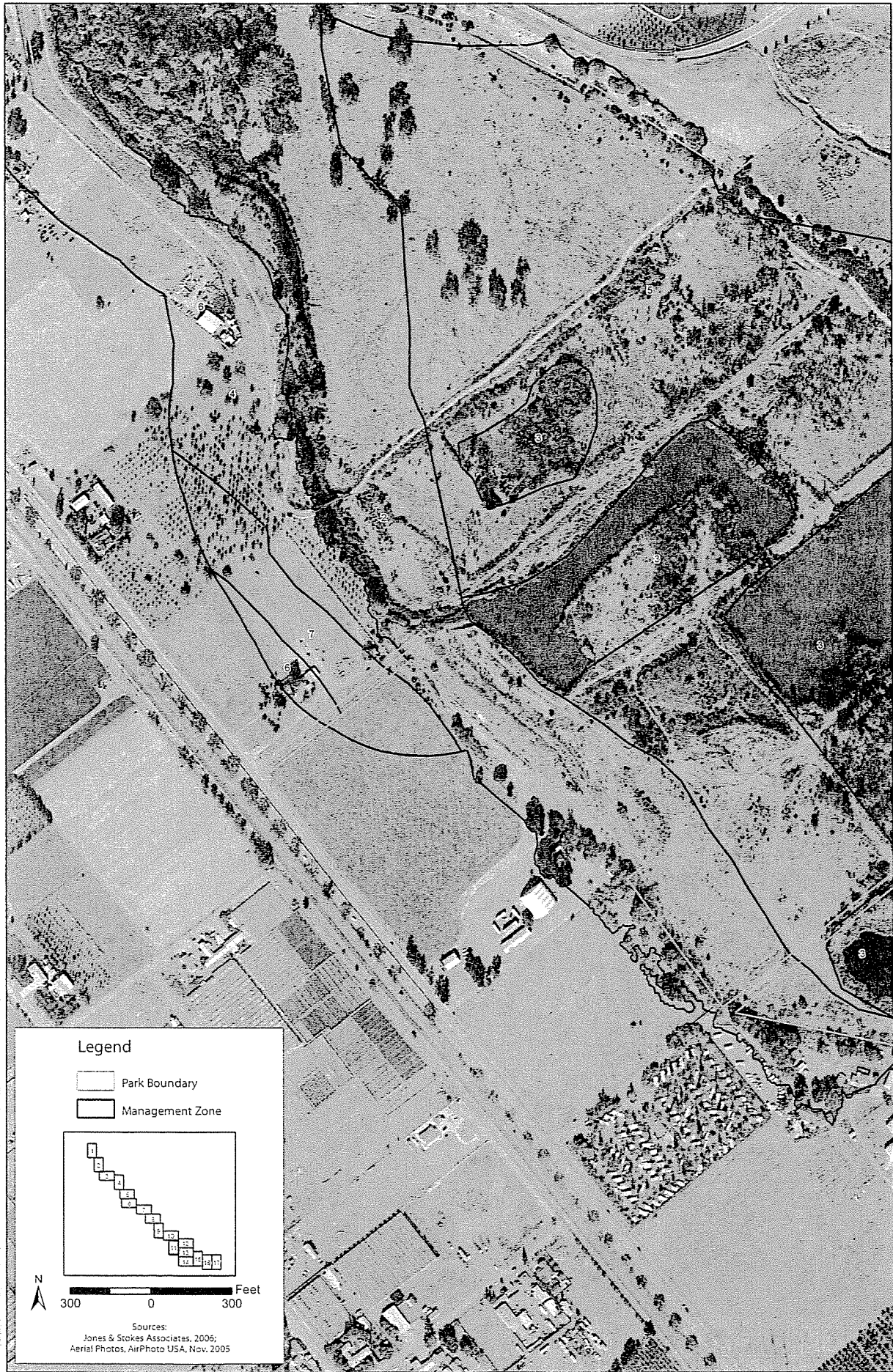


Figure B-8





Figure B-10







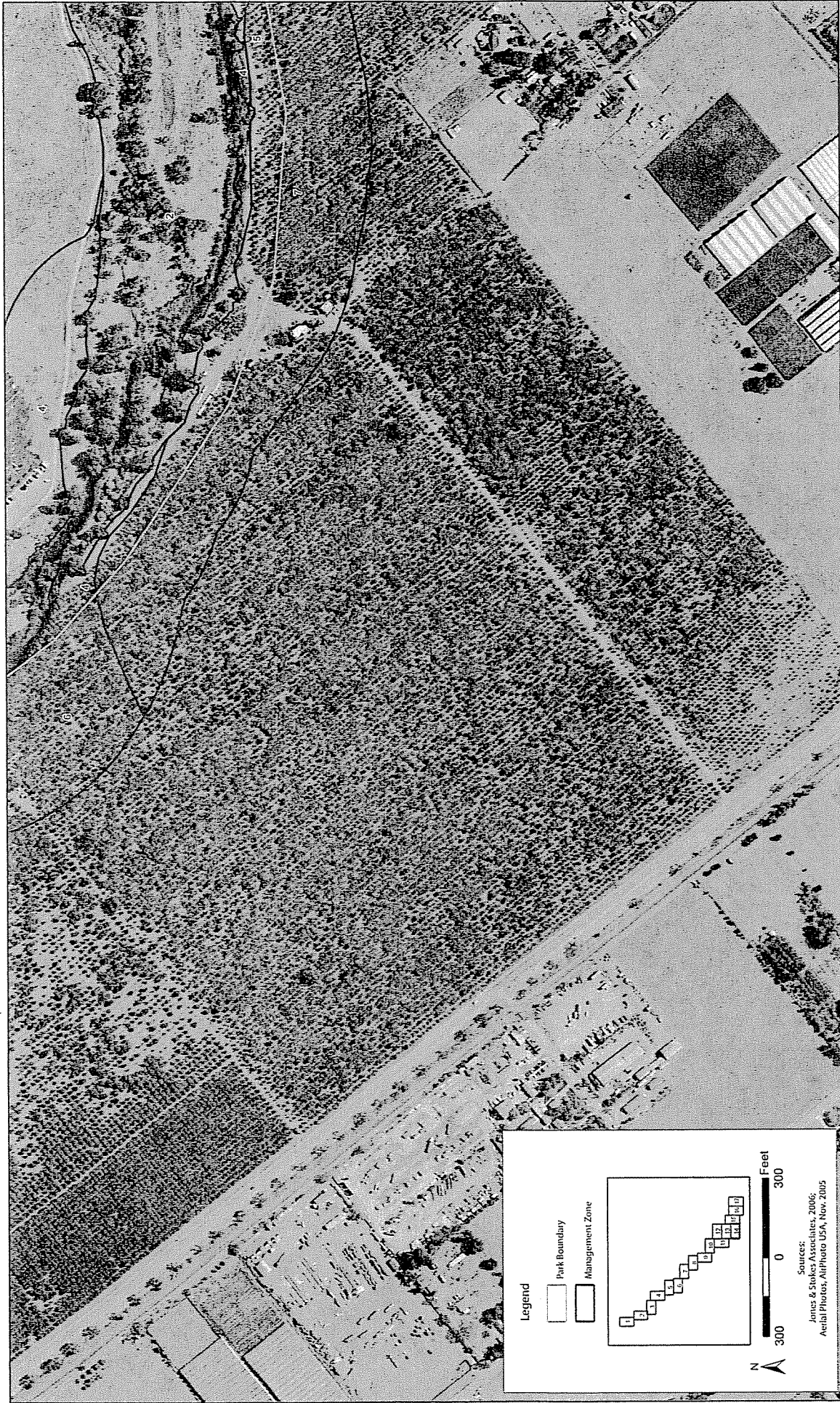
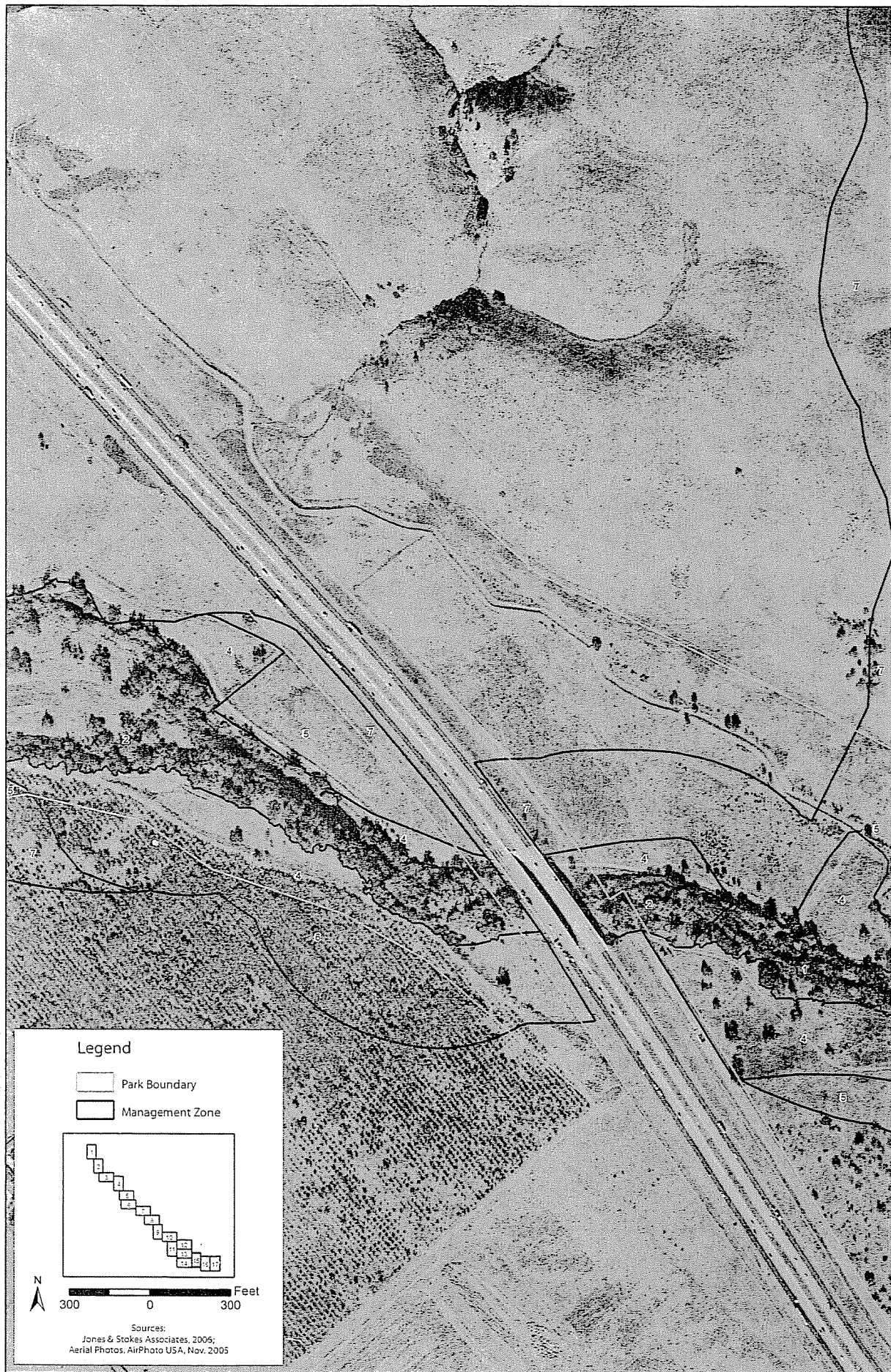
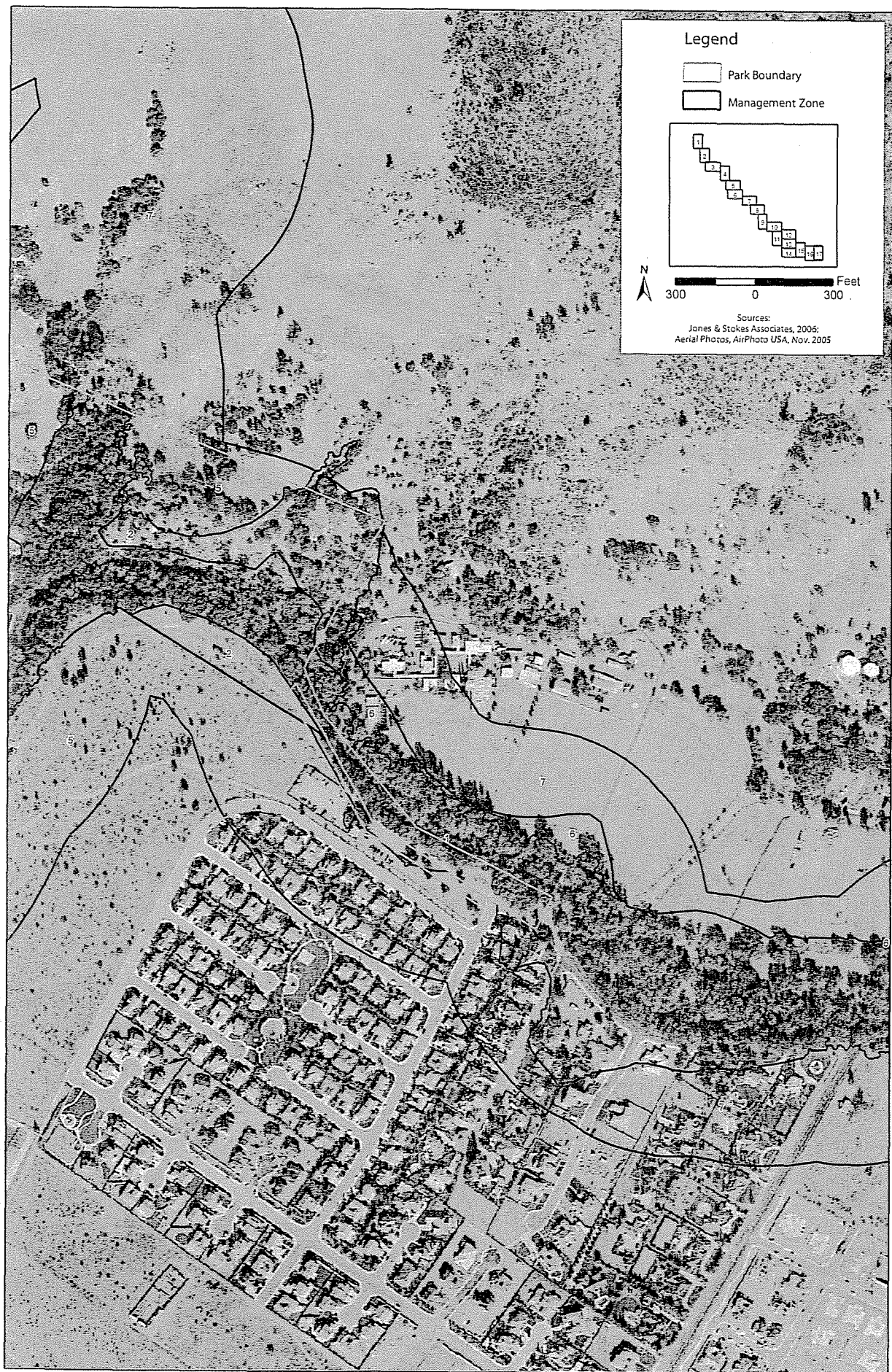


Figure B-14

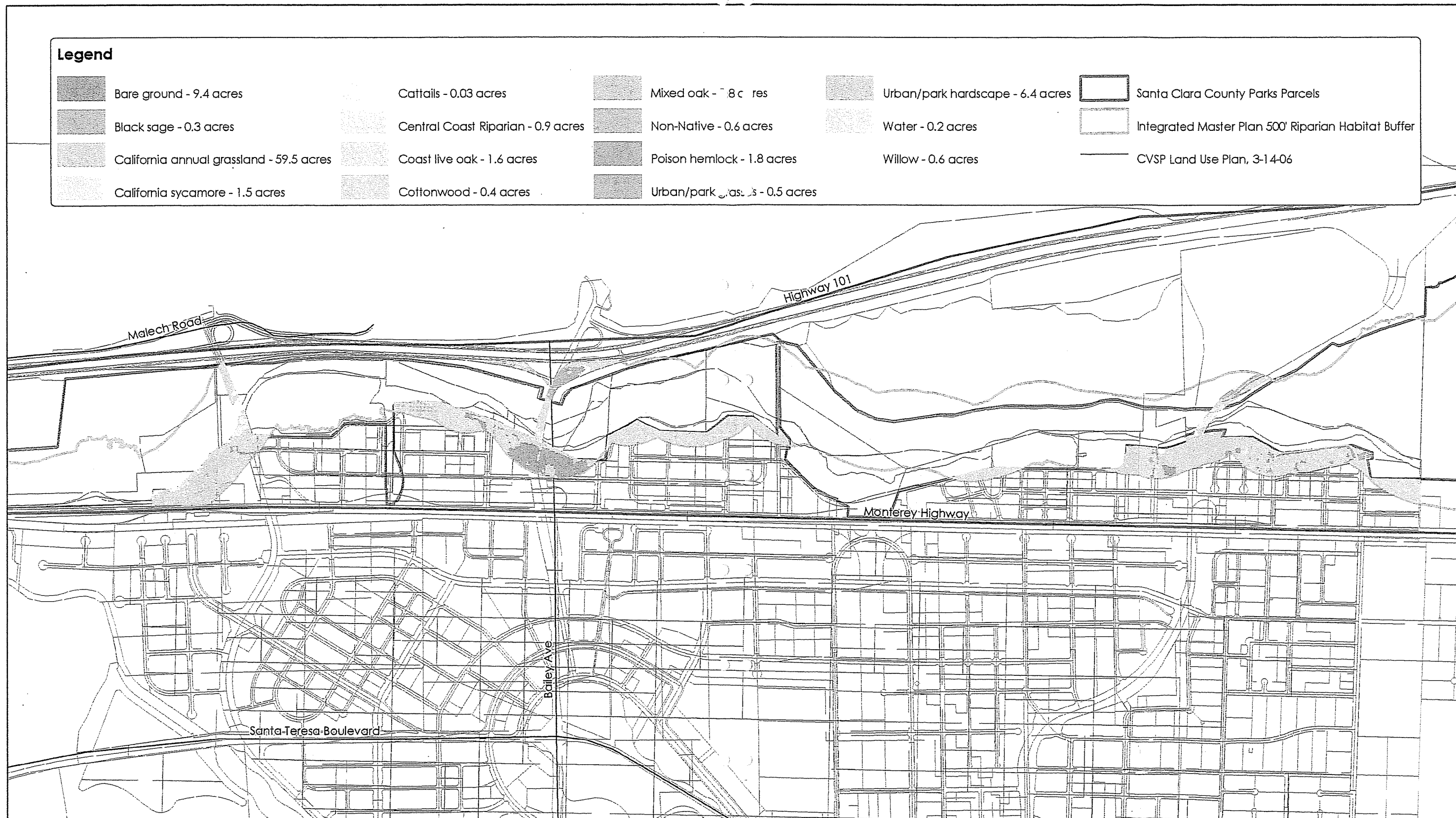






ATTACHMENT 4

FIGURE 3, IMPACTS TO VEGETATION WHERE DEVELOPMENT IS
PROPOSED WITHIN THE MINIMUM 500-FOOT RIPARIAN HABITAT
CORRIDOR



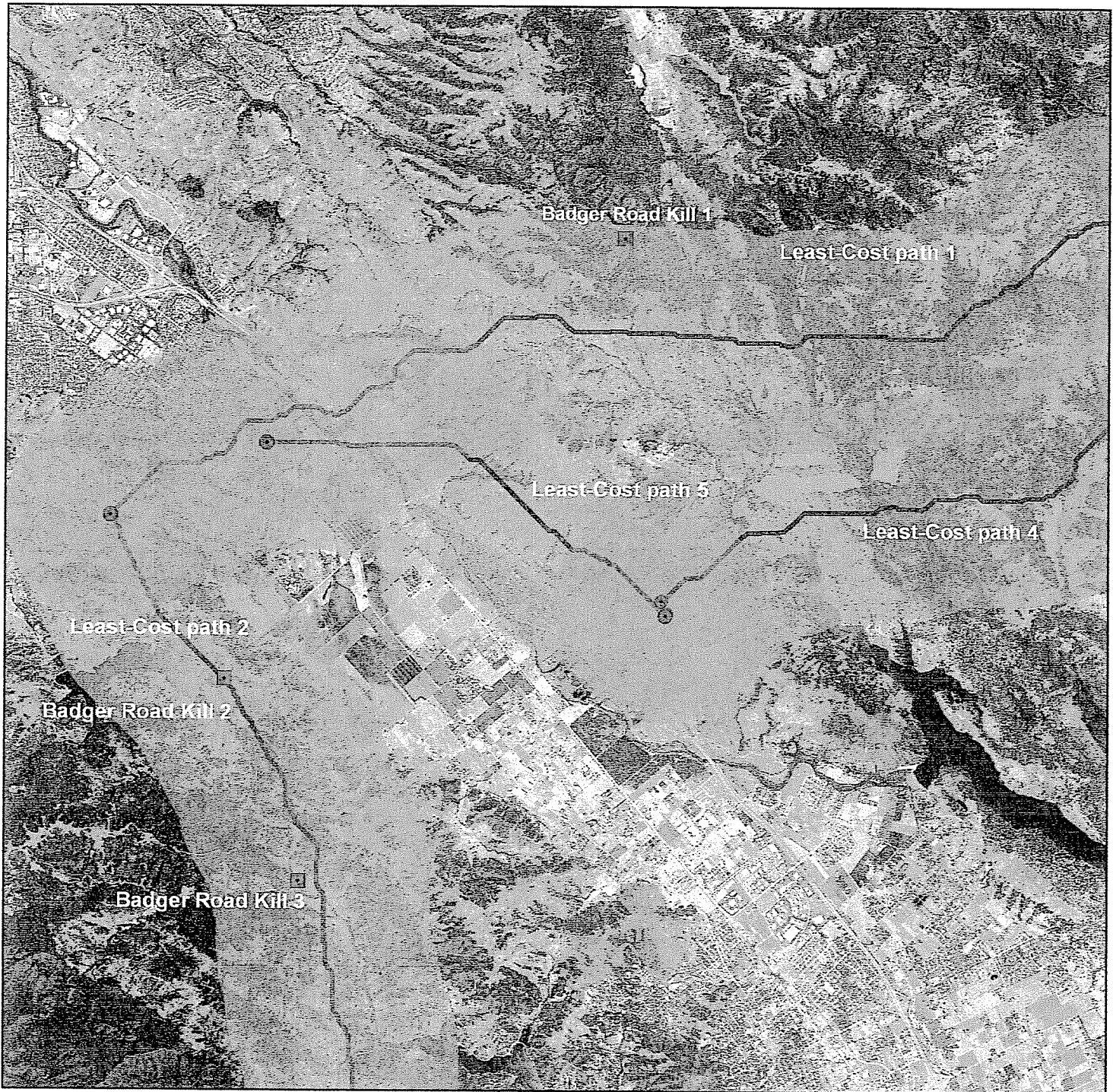
0 1,200 feet

Source: EMC Planning Group Inc. 2007, City of San Jose 2006, Santa Clara County Parks Department 2007

ATTACHMENT 5

SANTA CLARA COUNTY BADGER LEAST-COST PATH ANALYSIS
WITH ROAD KILL LOCATIONS

Santa Clara County Badger Least-Cost Path Analyses with Road Kill Locations



Legend

- Badger Burrows
- Corridor Buffers 1.8 km
- Santa Clara Least-Cost Paths
- Badger Road Kill 1, Santa Clara, Metcalf & San Felipe Rd.
- Badger Road Kill 2, Santa Clara, McKean & Bailey Rd.
- Badger Road Kill 3, Santa Clara, McKean & Uvas Rd.

3,000 1,500 0 3,000 Meters



Data Source:
<http://geocomm.com>
Zone Projection: NAD 1983 UTM Zone 10N
Scale: 1:174550

Map by: Tanya Diamond
tdseeker@msn.com
San Jose State University

ATTACHMENT 6

NORTH SAN JOSE EIR ALTERNATIVES EVALUATION EXCERPTS

IV. ALTERNATIVES

Overview

The CEQA Guidelines give extensive direction on identifying and evaluating in an EIR alternatives to a proposed project [§15126.6]. The purpose of having alternatives in an EIR is to identify ways to substantially lessen or avoid the significant effects that a proposed project may have on the environment. The range of alternatives selected for analysis is governed by the “rule of reason” that requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. Although the alternatives do not have to meet every goal and objective set for the proposed project, they should “feasibly attain most of the basic objectives of the project.”

The Guidelines specifically require consideration of a “No Project” alternative. The purpose in including a No Project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that No Project is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” [§15126.6(e)(3)(B)]

The discussion of alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the project.

In addition to “No Project,” the Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that “would avoid or substantially lessen any of the significant effects of the project” [§15126.6(f)]. Factors that may be taken into account in considering the feasibility of an alternative include “...site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site....” [§15126.6 (f)(1)]

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. In selecting alternatives to be evaluated, consideration may be given to their potential for reducing significant unavoidable impacts, reducing significant impacts that are mitigated by the project to less than significant levels, and further reducing less than significant impacts.

As stated in the Project Description section of this EIR, the goals and objectives of the City of San José in proposing this project to increase development in North San José include creation of a unique, high quality corporate center whose central focus is along North First Street. The project is specifically proposed to implement the goals and policies found in the “Economic Development Major Strategy” and “Housing Major Strategy” in the existing General Plan.

The policy changes and increased development intensities that comprise the project are proposed at this time in order to allow the City to take immediate advantage of the North First Street area's world-wide reputation as home to many high-tech industries. It is the City's position that the positive image of this geographic location can provide a counter-balance to the recent economic slowdown. Providing immediate encouragement to high tech businesses to join the elite community represented by the North First Street address may help to accelerate improvement in the local economy.

The introduction of higher intensity development along the North First Street light rail transit corridor is proposed to reinforce City and regional goals for encouraging transit use and discouraging reliance on single-occupant automobiles for commuters.

Specific objectives for the project include:

- Allow up to 26.7 million square feet of new corporate development within the project area, with an average FAR of 1.2 within the Core Area;
- Create 83,000 new jobs;
- House a substantial percentage of the new work force in close proximity to the new jobs;
- Promote a high quality living environment in North San José for approximately 32,000 new residential units;
- In order to reduce adverse effects on the City's ability to deliver services, replacement of viable industrial development by residential and residential support land uses should be minimized or avoided to the extent possible;
- Locate new housing at locations that will have minimal impact upon existing industrial activities and in proximity to existing residential development;
- Provide transportation improvements and improve transit connections in the area.

It is also the City's objective to maintain the aesthetic standards of this major transit corridor by requiring attractively landscaped frontages along North First Street, consistent with the intensified character of the Industrial Core Area.

Selection of Alternatives

The CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. This EIR identifies the following significant unavoidable impacts that would result from the project as it is proposed: land use impacts associated with increased traffic congestion; traffic; air quality, loss of Burrowing Owl habitat, noise, and significantly increased energy use.

In addition, the project will have a number of significant impacts for which mitigation is identified in the EIR, including:

- Land use conflicts between residential and industrial uses;
- Population and housing;
- Disturbance of nesting raptors and bats;
- Contaminated runoff generated to the Guadalupe River;
- Loss of ordinance size trees;
- Disturbance of buried cultural resources;

- Exposure of future development to possible damage from weak soils and seismic hazards;
- Flooding;
- Runoff contamination;
- Hazardous materials contamination and risks from accidental releases.

Most of the significant unavoidable impacts anticipated to occur if the project is implemented as proposed, are directly related to the amount of new development that would occur. Reducing the size of the project would generally reduce the significance of the impacts. Some of the impacts, particularly biology and cultural, result from the project location. Even those impacts related to location may be reduced by reducing the overall size of the project and leaving some sites unchanged.

As discussed below under “No Project,” even if no policy revisions or increased development parameters are approved for the Rincon area, significant traffic and air quality impacts are likely to occur in the area as a result of the ongoing development practices of the various cities in northern Santa Clara County, including San José.

The alternatives analysis does evaluate a “Reduced Scale Alternative” that is sized to avoid all traffic impacts in other cities. This alternative reduces the amount of new industrial/office/R&D development that would be allowed in this area by approximately 85 percent. This scenario does not include any new residential units.

A critical component of the proposed project is the “mix” of jobs and housing that are proposed for the Rincon area. As described under Project Objectives, the City is proposing to intensify the level of development within an Industrial Core Area that runs parallel to the major LRT line in North First Street. This would maximize the degree to which the increased workforce could utilize transit, and would also capitalize on the perceived desirability of the North First Street address. The City is proposing to add enough new dwelling units in Rincon to house approximately 68 percent of the new work force that would be added to Rincon. Since housing generates traffic independent of the home-to-work commute, there would be less total traffic generated if fewer dwelling units were added as part of the proposed project, but more traffic would be driving in and out of Rincon. Three “Work Force Housing Alternatives” were evaluated, including: a) an “80/10/10” alternative in which it was assumed that 80 percent of the new work force is housed in North San José, 10 percent lives elsewhere in San José, and the remaining dwelling units are located outside San José; b) a “50/50” alternative in which 50 percent of the required housing is proposed in and adjacent to Rincon, and 50 percent of the necessary housing is assumed to be in the City of San José but outside Rincon; and c) an alternative in which 50 percent of the dwelling units required to house the proposed work force is provided in and adjacent to Rincon, 25 percent is provided within the City of San José but outside the Rincon area, and 25 percent of the workforce would live outside the City of San José.

Alternative Site

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant effects of the project and meet most of the project objectives need be considered for inclusion in an EIR.

The project area is estimated to be 4,987 gross acres in size. The additional development allowed by the proposed General Plan amendments and policy revisions would add 24.7 million square feet of new floor area to result in a total of approximately 74 million square feet of industrial/office/R&D floor space in the Rincon area – a substantial concentration of high tech and support companies in the prestigious “Golden Triangle” of Silicon Valley. The project also will allow development of 32,000 more dwelling units to the 7,600 dwelling units already existing or under construction in the Rincon area, for a total of 39,600 dwelling units that would be planned for within Rincon. The new development would also require associated commercial uses, infrastructure, and public/quasi-public facilities (including schools, parks, day care centers, and recreational facilities) to be developed in or near the new residential development.

To accommodate an equivalent amount of new industrial and residential development, it is assumed that an alternative location would have to be equivalent to Rincon in size (approximately 5,000 acres). In addition to size, an alternative location that could support the proposed project and be consistent with the project goals and objectives would have the following characteristics:

- Be located in the City of San José, in order to support the City's economic goals and objectives.
- Have good transit access.
- Have good automobile access.
- Be developable immediately.
- Be identifiable as part of “Silicon Valley.”

Since Rincon is almost completely developed, an alternative location would not necessarily be vacant land. It should, however, be predominantly industrial or commercial land uses, since the dislocation of a substantial number of housing units would create an unacceptable significant impact. The loss of a substantial amount of viable industrial businesses would also be inconsistent with the project objectives. The proposed project residential sites reflect land in Rincon that is presently vacant, occupied by public/quasi-public uses, or can be redeveloped over time as businesses choose to move for various purposes. The very large size of the parcels in Rincon could allow a substantial quantity of residential development to occupy relatively few parcels.

There is no known location that meets all of the criteria, and which also has the appropriate zoning and/or General Plan designations to allow development at the scale proposed for this project. The area which comes closest to meeting most of the criteria is Coyote Valley.

The City of San José is presently preparing a Specific Plan for Coyote Valley. An EIR is being prepared that evaluates the impacts of developing new industrial/office/R&D land uses to support approximately 50,000 jobs, and approximately 25,000 new dwelling units, with associated commercial uses, infrastructure, and public facilities in the Coyote Valley, at the southerly boundary of San José's urban area. The total area of Coyote Valley, including the Greenbelt which is outside the City's Urban Growth Boundary, is 7,292 acres. The area of Coyote Valley within the City's Urban Growth Boundary, including the Urban Reserve, totals 3,787 acres.

For both areas (North San José and Coyote Valley), there are existing General Plan land use designations and other entitlements in place that would allow some of the projected industrial/office/R&D development to occur under a “No Project” condition. Most of the mid and north Coyote Valley area is a “blank slate” – the land is either vacant or is developed with low

intensity uses (such as farmhouses) that would ultimately be replaced with new development. The existing General Plan requires that a number of triggers, including completion of the specific plan, be met before development of the Urban Reserve (approximately 2,072 acres of the total) can occur. By comparison, most of Rincon is already developed with urban uses. Implementation of the proposed development in Rincon will require that demolition of existing buildings and infrastructure occur prior to redevelopment with substantially more intense new development.

Coyote Valley is of sufficient size to accommodate the amount of development that is evaluated in this EIR. The discussion below therefore includes a comparative analysis of placing the proposed project in Coyote Valley.

Variations of Alternatives

The alternatives discussed below include:

- A. No Project
- B. Reduced Scale Alternative
- C. Workforce Housing Alternatives
- D. Alternative Location in Coyote Valley

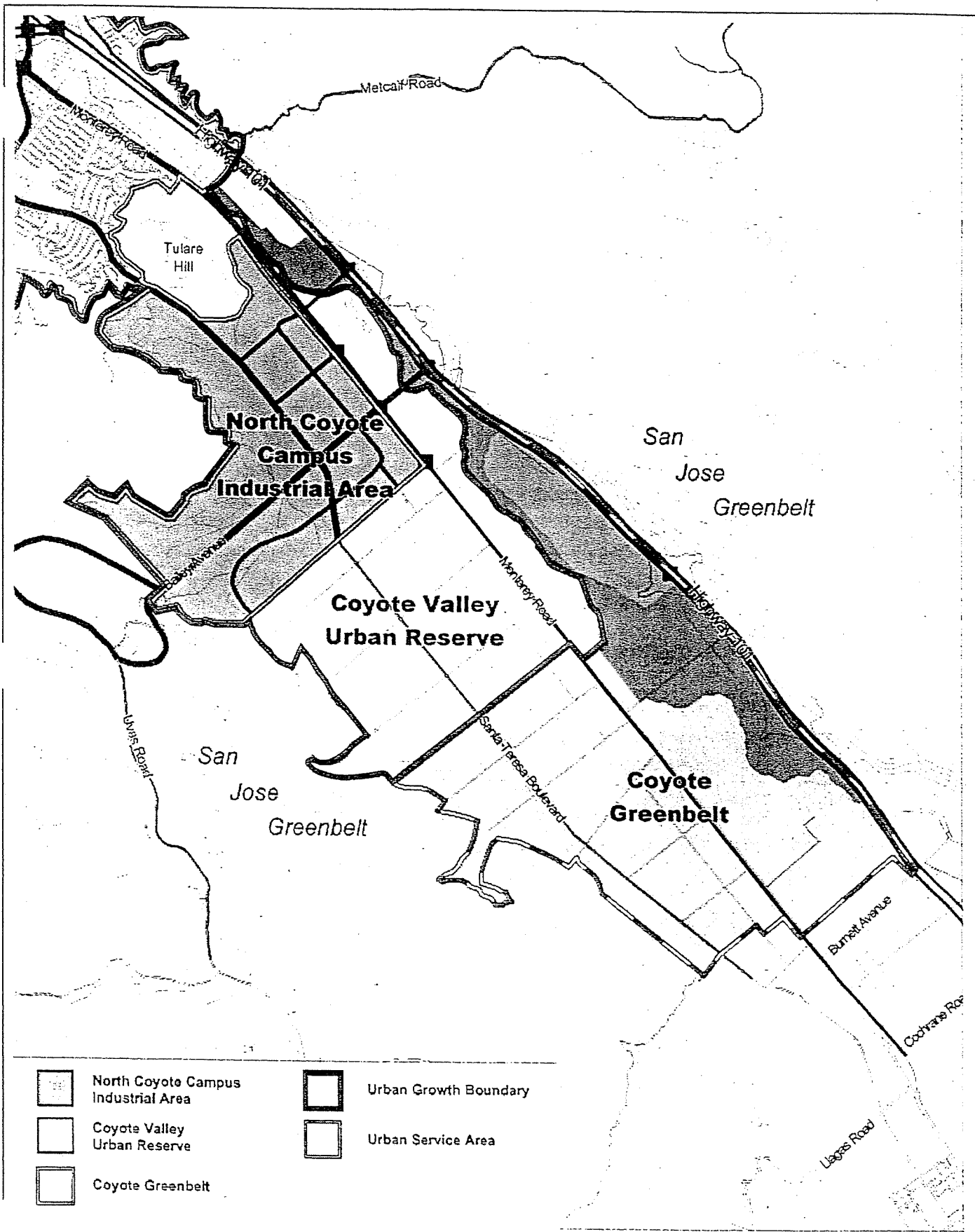
It is not possible for any EIR to discuss every possible alternative, and every possible variation of an alternative, and CEQA does not require that it do so [§15126.6(a)]. It would, however, be possible to combine some of the alternatives, if the Lead Agency wished to do so.

A. NO PROJECT ALTERNATIVE

The purpose of having a No Project alternative is to allow the project decision makers to compare the impacts of not approving the project with the impacts of approving the project as it is proposed. Existing policies, zoning, and General Plan designations would allow the ongoing development of additional industrial/office/R&D space in the Rincon area. Recent entitlements granted to eBay and BEA for developments on North First Street allocated all of the remaining surplus FAR, and required that additional surplus FAR be identified and allocated to each of the developments before they could be built out.⁵⁹ It is unlikely that substantial additional development could be approved under existing policies. It is possible that development within the constraints allowed by current policies (*i.e.*, up to 0.35 FAR for most properties and up to 0.40 FAR for properties within 2,000 feet of an LRT station) could be approved on the remaining vacant parcels in North San José.

As reflected in the regional transportation model used by the Metropolitan Transportation Agency and VTA; however, projections show that economic development will continue to generate increased traffic congestion in the Bay Area. Under the No Project scenario, this development will occur somewhere other than North San José. Other cities in northern Santa Clara County will continue to approve industrial/office/R&D uses, as will nearby cities in San Mateo and Alameda Counties. Recent patterns indicate that some housing will continue to be developed in San José, but increasing percentages of the housing to serve jobs in Santa Clara County will continue to be approved outside the county.

⁵⁹ As described in the Project Description section of this EIR, creation of additional surplus FAR under existing policies will require that additional residential development be approved in Rincon.



COYOTE VALLEY ALTERNATIVE

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FIGURE 27

Comparison of Environmental Impacts

North Coyote Valley has been planned for campus industrial uses since the mid-1980s. There are major roadways in place, including Monterey Highway, Santa Teresa Boulevard, and Bailey Avenue. US 101 is an eight lane freeway running through Coyote Valley which will soon provide access to North Coyote Valley with completion of its interchange with Bailey Avenue. The only operating US 101 interchange in Coyote Valley is at Coyote Creek Golf Course Parkway, providing access to a golf course and a landfill, but with no western extension across Coyote Creek. Some utilities and services are available to serve development in North Coyote Valley; sanitary sewer service and water facilities exist in Santa Teresa Boulevard and Bailey Avenue. Facilities to serve the Urban Reserve area of Central Coyote Valley do not exist.

Traffic

Impacts on Facilities Providing Access to the Area

There are a total of 16 roadway lanes providing access to and from Coyote Valley, of which eight are freeway lanes and eight are arterial lanes. In addition, rail service is planned that includes a Caltrain station and future southern extension of light rail into Coyote Valley. During peak hours all but 10-20% of this roadway capacity is used in the peak direction. There is a general AM peak hour direction of traffic from south to north through southern and central San José as workers head towards the major employment centers of North San José and Santa Clara County. In the PM peak hour this prevailing traffic direction is reversed.

Development of industrial uses and jobs in Coyote Valley would take advantage of available roadway capacity in the non-peak travel direction, since it attracts traffic in the morning from the vast residential base of Santa Clara County located to the north. Even though the traffic from the industrial component would take advantage of available non peak direction roadway capacity, that project traffic will significantly impact US 101, SR 85 and SR 87, as well as Monterey Highway. These traffic impacts would be significantly increased and compounded by the 24,700 dwellings, since traffic from housing would add directly to traffic volumes in the peak travel direction. As with the housing proposed in North San José, some dwellings in Coyote Valley would be occupied by workers employed in Coyote Valley, resulting in what is often called "internalization" of traffic. Internalization of traffic between housing and jobs in Coyote Valley will tend to reduce peak hour traffic traveling to and from Coyote Valley. The maximum internalization that can be predicted at this time is 20-30 percent. Even with this internalization, there will be significant traffic impacts to US 101, SR 85 and SR 87 that can be expected to have, at least, significant sub-regional effects.

Traffic impacts of the project where it is proposed in North San José will also be substantial, affecting many of the roadways providing access to and from the area. Access to North San José is more than three times greater than for Coyote Valley, with 54 total roadway lanes (compared to 16 for Coyote Valley) providing access to and from the North San José area. Of 54 lanes, 24 are freeway lanes and 30 are arterial lanes. In addition to roadways, there is existing light rail service extending from the south, from the west through Santa Clara and into Mountain View, and from the east through Milpitas into east San José. The project would substantially impact the freeways and arterial that provides access to the area, as described previously in the transportation section of this EIR.

New Transportation Facilities Need to Serve the Alternative

Based on previous analysis done for development in Coyote Valley, the development of 20 million square feet and 24,700 dwellings in Coyote Valley would, at a minimum, require construction of a new US 101 interchange with an arterial extending west across Coyote Creek. Coyote Creek Golf Course Parkway would also need to be extended west across Coyote Creek, for a total of two more major creek crossings. Five new grade separations with ramps would need to be constructed across the Union Pacific railroad tracks to provide connections to Monterey Highway and US 101. Two additional lanes would need to be added to Monterey Highway, which may involve shifting the railroad tracks to the west in the vicinity of Tulare Hill at the north end of Coyote Valley. Bailey Avenue/McKean Road would need to be reconstructed as a new four to six lane arterial extending to the northwest and connecting with Almaden Expressway. Light rail would need to be extended from its existing terminus in Edenvale south into Coyote Valley. Several of the roadway facilities will have significant construction impacts as explained in the biology discussion subsequently. When operational, the roadway facilities and the light rail extension are likely to have noise impacts on existing neighborhoods.

The new roadway facilities required for the Coyote Valley Location Alternative are substantially greater than those proposed for the project in North San José where an existing transportation system is well developed, as explained in the transportation section of this EIR. The proposed project in North San José includes the easterly extension of Charcot across Coyote Creek and I-880 to provide additional east-west access to the Berryessa area. In addition, the project proposes construction of a new grade separation structure over US 101 connecting North Fourth Street and Zanker Road, an interchange with US 101 at Mabury, and widening of Montague Expressway. Even with these project roadway improvements traffic impacts and congestion is expected to be heavy in and surrounding the North San José project area.

Air Quality

Because of the mix of employment generating uses and residential development proposed by the project, the vehicular emissions resulting from the Coyote Valley Location Alternative would be similar to the proposed North San José project location. The main differences in air pollution emissions would result from differences in the length of the home to work trips since most other trips such as shopping and school trips would be of similar length at either location.

Employment generating uses in Coyote Valley will be located closer to much of San José's housing supply, most of which is located in the southern half of the City. This will have the effect of reducing the average length of home to work trips for 62,500 workers employed in Coyote Valley. In contrast, the 24,700 homes in Coyote Valley would generate some of the longest home to work trips in San José as Coyote Valley residents drive to work at the employment centers of northern San José and Santa Clara County. The 25,000 dwellings proposed by the project in North San José will tend to have relatively short home to work trips since they would be located in the middle of the employment centers of northern San José and Santa Clara County. Since trip length from the residential and employment generating uses tend to offset each other, the air pollution emissions and impacts are expected to be similar for projects in North San José and the Coyote Valley Location Alternative.

Because Coyote Valley is farther from the existing center of urban development in Santa Clara County, there would be incrementally greater air quality impacts because residents would have to

drive farther to regional shopping centers, cultural facilities, sports venues, and other regional uses not typically duplicated in neighborhoods.

Non-transportation air pollution emissions and air quality impacts are expected to be similar for the proposed North San José project and the Coyote Valley Location alternative. Overall, the amount and type of development proposed is likely to have similar air quality impacts at both the North San José and Coyote Valley locations.

Noise

Because Coyote Valley is now a rural area with traffic noise confined to the major roadways that traverse the area, the introduction of substantial new urban development will result in a significant increase in sound levels throughout the area. While the noise impact will be much greater than the impact in Rincon (because the change from ambient will be greater), there may be less impact to sensitive receptors. Virtually all of the existing residential uses in Coyote Valley (which are primarily scattered farmhouses) are assumed to be replaced by the new industrial and residential developments. Any residences that remain, however, would experience a substantial noise impact, compared to existing conditions.

The extension/widening/realignment of Bailey Avenue/McKean Road will cause significantly increased noise levels at the residences near those roadways, both during construction and afterward when the traffic levels more than double. Likewise, the substantial increases in traffic on existing roadways that traverse Coyote Valley, especially Santa Teresa (both north of the area in San José and south in Morgan Hill) and Monterey Highway, will probably result in significant increases in traffic noise that will impact residents near both roadways.

Although this alternative would not place new residences in a currently noisy environment, it would substantially increase the ambient noise levels in the area where the new residences would be located.

Other Areas of Impact

Land Use Impacts

Significant land use impacts identified for the proposed project are likely to be significantly reduced or avoided with this alternative location. In Coyote Valley, both industrial and residential development would be built on vacant land, in conformance with a previously adopted specific plan as required by the General Plan. The potential for interface problems between newly built residential projects and existing industrial development would not exist or would be substantially less than with North San José. Future development could shade or overlook one or more of the farmhouses which currently exist in Coyote Valley, but it is anticipated that most of the houses will be replaced by proposed development. The residents of those houses, in those instances where they are not the property owners, will be displaced by the future development.

Most of Coyote Valley is designated by the State of California as Prime or Important Farmland. Much of it is still in active agriculture. Development of the project at this location would result in a significantly greater loss of agricultural land and of visual open space. Since most of Rincon has been already been developed and only 34 acres is still designated as Prime Farmland, this is a much

greater impact than that of the proposed project. The visual impacts of developing Coyote Valley, which will be clearly visible from US 101, Monterey Road and Santa Teresa Boulevard, will be much more significant than the visual impacts of placing an equivalent amount of development in the already highly developed North San José.

Biology

The Coyote Valley Location Alternative will have greater biological impacts than the proposed project as a result of development occurring on agricultural and fallow lands, and multiple new crossings required for the sensitive habitats of Coyote Creek, Fisher Creek and the Santa Teresa hills, including Tulare Hill. Widening of Monterey Highway may require shifting the Union Pacific railroad tracks to the west, which could impact sensitive serpentine habitat along the eastern edge of Tulare Hill. If a future high speed rail is placed along the Union Pacific railroad, it would further constrain or impact the adjacent sensitive habitat of Tulare Hill. Monterey Road widening will also impact the riparian habitat of Fisher Creek which it crosses just south of Tulare Hill.

The riparian habitat of Coyote Creek will be impacted by the construction of an interchange in north Coyote Valley and the construction of two major bridges where arterials will have to be extended from US 101 interchanges west into Coyote Valley. Construction of these roadway improvements will impact the riparian habitat and following construction, lighting along the roadway may impact riparian wildlife. Coyote Creek provides habitat for the Federally listed Steelhead.

Bailey Avenue widening and other roadways internal to the area will impact the riparian habitat of Fisher Creek. Drainage and flood control improvements necessary to remove this area from a floodplain without causing downstream impacts could be expected to have significant impacts upon Fisher Creek. Between 50 and 100 acres of wetlands are estimated to exist in the northern and western areas of Coyote Valley. The Coyote Valley Location Alternative would likely impact these wetlands. Some of these wetlands and the uplands surrounding them are believed to provide habitat for the Federally listed California Tiger Salamander.

Construction of Bailey Avenue/McKean Road across the Santa Teresa Hills to the northwest of Coyote Valley is likely to result in significant biological impacts because the area to be traversed is occupied by sensitive serpentine habitat with associated listed species. The area of the Santa Teresa hills to be traversed by the new roadway is also native Oak Woodland habitat, which is considered special status habitat in California and which is likely to be significantly impacted by the substantial grading that would be required for a major roadway along this alignment.

There would be a substantial overall loss of wildlife habitat and the biological carrying capacity (number and kinds of species) as a result of the construction of urban development and infrastructure in the Coyote Valley Location Alternative. Wildlife will tend to get killed by vehicles along the roadways; this tends to be a greater impact for wildlife (birds and mammals) moving along active wildlife corridors such as the Coyote Creek riparian corridor.

Finally, the US Fish and Wildlife Service contends that the air pollution emissions can adversely affect the sensitive serpentine habitats in the area as a result of airborne nitrogen deposition. To the extent that this impact occurs, the Coyote Valley Location Alternative may tend to have greater impacts than the proposed North San José project because it is located much closer to significant quantities of sensitive serpentine habitats than is North San José.

Cultural Resources

Like North San José, Coyote Valley has a number of known prehistoric and historic sites and resources. Development that requires subsurface excavation and/or removal of existing structures is likely to impact remaining cultural artifacts, and may disturb prehistoric burials. As with the proposed project location, any development in Coyote Valley would be required to include measures to minimize cultural resource impacts. Also similar to North San José, destruction or substantial modification of remaining historic structures would have significant impacts.

The extent of cultural resource impacts at this alternative location would be equivalent to those from the proposed project. Because resources in Coyote Valley have generally remained undisturbed while those in North San José have already been significantly disturbed, the nature of the impact may be greater.

Geology and Soils

Development in Coyote Valley will need to include geotechnical investigation and future development will have to be designed to withstand seismic hazards at this location. Parts of Coyote Valley have a high potential for seismically induced liquefaction and consequent ground failure. Weak soil layers occur throughout the area and the soils are highly to moderately expansive. Additionally, portions of the Shannon Fault may extend into Mid-Coyote Valley.

Development in Coyote Valley would be exposed to hazards from weak soils and seismic risks equivalent to or greater than those in North San José. The presence of the Shannon Fault (either in or immediately adjacent to Coyote Valley) indicates that seismic hazards would be incrementally greater in Coyote Valley. It is likely that there is mitigation available that would reduce these impacts to less than significant, but the potential for these impacts would still be greater at this location than those from the proposed project.

Hazardous Materials

Historic agricultural practices in Santa Clara County have resulted in contamination of soil throughout the county by farming chemicals. Soil testing in North Coyote Valley did not find significant levels of contamination in the soil. Such contamination may, however, be present in Mid-Coyote Valley. Mitigation is available to reduce such impacts to less than significant levels. The impacts from soil contamination in Coyote Valley are unlikely to be as significant as the impacts to soil and groundwater from industrial releases in North San José.

Because there is only one industrial development in Coyote Valley (IBM on Bailey Avenue), the possibility of hazardous materials releases causing off-site impacts to sensitive receptors is presently much less likely to occur in Coyote Valley than in North San José. A power plant is currently under construction at the northern end of Coyote Valley, however, immediately adjacent to Tulare Hill. The plant is proposing to store and use substantial quantities of hazardous materials that could cause significant off-site impacts in the event of an accidental release.

In addition, future industrial development that would occur if the proposed project is developed in Coyote Valley is likely to use hazardous materials. The specific plan required for this area by the General Plan is likely to address measures necessary to minimize such conflicts, including the

location of concentrations of the most vulnerable sensitive receptors such as schools, day care centers, and senior housing. Any future spills or accidental releases of such materials in Coyote Valley could have more significant environmental impacts than in North San José because of the high groundwater levels and the likelihood of contamination of the groundwater.

Impacts associated with existing soil contamination in Coyote Valley are unlikely to be as significant a problem as in North San José. Impacts to sensitive receptors brought to this location by development of the proposed project would be generally comparable to the impacts associated with developing the proposed project in North San José.

Public Services and Utilities

Placing this amount of new industrial and residential development in Coyote Valley will require construction of substantial new infrastructure. Sanitary and storm sewer lines, wells and water lines, a reservoir, electrical and natural gas lines, would all have to be constructed to and within the project area. The construction of these facilities within new and existing public streets and on private property containing new development would not necessarily create significant impacts.

Previous analysis in Coyote Valley has indicated that there is insufficient downstream capacity to accommodate stormwater runoff during peak periods. Parts of Coyote Valley are in a floodplain. Detention facilities of approximately 600 acres to detain stormwater would be required of new development. Construction of stormwater collection facilities would also need to be sized to manage runoff and eliminate flooding. Similar to the proposed location in North San José, development of the project in Coyote Valley would need to be designed and constructed to be consistent with the City's Flood Hazard Ordinance.

Development of the proposed project in North San José would require expansion and upgrading of existing infrastructure. Development in Coyote Valley will require that most of the infrastructure be built in its entirety. It cannot be determined at this point in time whether the infrastructure necessary to serve 20 million square feet of industrial development, 24,700 dwelling units, and associated commercial and service uses can be developed in Coyote Valley without significant adverse impacts on the physical environment.

Energy

Development of the proposed project in Coyote Valley is likely to have incrementally greater energy impacts than development of the proposed project in North San José. North San José is surrounded by existing urbanization. Residents in North San José will be closer to regional shopping, cultural facilities, and other activities and venues not generally replicated in neighborhood locations. Travel other than commuting to neighborhood shopping and jobs held at nearby sites will require substantially greater use of energy than the same trips made from North San José, especially given the minimal regional transit access available in Coyote Valley.

Likewise, the construction of new infrastructure from "scratch" instead of expansion and supplementing existing infrastructure will require the use of more virgin materials and the expenditure of more energy.

Relationship to Project Goals and Objectives

The North Coyote Valley Alternative Location could include development of a high quality corporate center. It would not have North First Street as its central focus, and would not be in a position to take advantage of North First Street's international reputation. As a result, it is unlikely that this alternative location would help to accelerate an immediate improvement in the local economy. In addition, this location is not ripe for development. The City's General Plan identifies a number of planning processes and two precedent conditions that must be met before the area can be zoned for development.

Because there is no existing LRT line in Coyote Valley, high intensity industrial and residential development at this location cannot reinforce City and regional goals for encouraging transit use. If a Caltrain station is located in Coyote Valley at some point in the future, some transit use can be provided in conjunction with increased bus lines. A localized internal transit system may be necessary and appropriate to minimize automobile use within the area.

It is assumed that the amount of development that can be placed in Coyote Valley is similar to the amount of development already planned in that area. Under this alternative scenario, the amount of development that is already planned in North San José and allowed by existing policies, is assumed to occur there, not in Coyote Valley.

The most important aspect of the project objectives is the perceived ability and need to take advantage of North First Street's reputation immediately, while the demand exists and new development can contribute positively to the area's economy. This alternative is completely incompatible with that goal.

Feasibility

The City's General Plan identifies North and Mid-Coyote Valley as suitable for urban development. As stated previously, it designates Mid-Coyote as an Urban Reserve, subject to a number of procedural and precedent conditions before it can proceed through the development entitlement process. Physically, the environmental constraints of Coyote Valley have delayed its urbanization pending the availability of resources to deal with some of the issues. Flooding and drainage, a high water table, availability of utilities, transportation infrastructure, the presence of two creeks, and the high costs of infrastructure and improvements necessitated by these constraints have delayed development in this area for decades.

Conclusion: The proposed project would build on the existing dynamic of the North San José industrial area within the Silicon Valley Golden Triangle. The project evaluated in this EIR – 32,000 new dwelling units and 83,000 new jobs – is proposed to create a substantial new level of development in the existing Rincon de los Esteros Redevelopment Area. The alternative location evaluated – Coyote Valley – cannot accommodate the entire project as it is proposed. Placing even a smaller project at this location would result in most of the same significant impacts associated with the project – traffic congestion, air quality and noise impacts – and will, in addition, result in additional significant impacts, including loss of agricultural land and open space, significant visual impacts, greater impacts to biological resources, similar or greater impacts related to geology and soils, and similar impacts to cultural resources.

This alternative location would require the construction of virtually all of the infrastructure, public services and public facilities required to serve the amount of development proposed. Although they may be mitigatable, significant impacts could occur as a result of the construction of water, sanitary sewer, storm sewer, electrical and natural gas lines. The necessary construction of schools, parks, recreational facilities, and libraries on agricultural land and visual open space could also result in additional impacts.

This project is not consistent with many of the project's goals and objectives, including the perceived ability and need to take advantage of North First Street's reputation immediately, while the demand exists and new development can contribute positively to the area's economy.

It is not known whether the Coyote Valley location is feasible, but existing General Plan constraints limit the likelihood that the project could be developed in Coyote Valley immediately.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. [§15126.6(3)(2)]

While the No Project Alternative is likely to result in slightly less impact than the proposed project, the environmentally superior alternative among the alternatives identified is the Reduced Scale Alternative (*Section IV.B.* of this EIR).

7

**Technical Review: Coyote Valley
Specific Plan (CVSP)
Draft Environmental Impact Report:
Hydrology and Water Quality**

Report prepared for:
Santa Clara County Department of Parks and Recreation

Prepared by:
Brian Hastings
Bonnie Mallory de Berry

Balance Hydrologics, Inc.

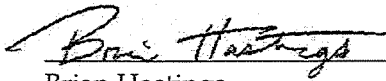
June 2007

A report prepared for:

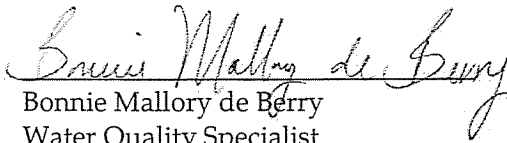
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**Technical Review: Coyote Valley Specific Plan (CVSP)
Draft Environmental Impact Report: Hydrology and Water Quality**

Balance Project Assignment 205124
by



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- Appendix A. Summary of CEQA Environmental Checklist for Hydrological/Water Quality Impacts as they relate to the CVSP DEIR
- Appendix B. Existing and Historical Hydrological Conditions of the Coyote Creek Parkway, Santa Clara, California. Hastings and Porter (Balance Hydrologics), 2005

1. INTRODUCTION

1.1 Purpose of this Report

On March 30, 2007, the City of San Jose, California issued a Draft Environmental Impact Report (DEIR) of the Coyote Valley Specific Plan (CVSP). Balance Hydrologics ("Balance") was retained by the County of Santa Clara to review the technical merit of the hydrology and water quality chapter of the DEIR and supporting documentation. Although we offer several general comments on components of the CVSP, our review focuses on potential environmental impacts of the proposed CVSP project to Coyote Creek and its riparian corridor adjacent to and downstream from the CVSP. This report presents our analysis of the adequacy of the DEIR in identifying these impacts, assessing the degree of significance of these impacts, and appropriateness of the proposed mitigations. The report also reviews the technical merit of Hydrology Appendix and identifies those areas that are lacking adequate study and analysis of existing conditions. The comments herein are to be submitted to the City of San Jose on behalf of Santa Clara County as part of their response to the CVSP DEIR.

1.2 Documents Reviewed

Balance hydrologists, engineers, and water quality specialists reviewed CVSP DEIR, dated March 2007. Our review focused on the Hydrology and Water Quality section and Appendix J: Hydrology, with review of the Hazardous Materials, Geology, Biology and Transportation sections, as they relate to soils, wetlands, and bridge crossings over Coyote Creek. Key references and documents used to frame our review include:

- Existing and Historical Hydrologic Conditions of the Coyote Creek Parkway County Park, Hastings and Porter (Balance Hydrologics), 2005
- Coyote Creek Watershed Historical Ecology Study, San Francisco Estuary Institute, 2006
- Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan, 2M Associates and Jones & Stokes, 2006

Other references are listed in Section 8 of this report.

1.3 Organization of this Document

Based on the scale and number of issues associated with the CVSP, we have organized this document into the following sections:

- Section 2 provides a brief summary of our comments and conclusions on the hydrology and water quality sections of the CVSP DEIR and the supporting Hydrology Appendix. This section identifies the major issues that we consider the DEIR does not adequately address and cross-references later sections, which describe the comments in detail.
- Section 3 introduces the importance and significance of Coyote Creek in both the project area and the region as a whole and provides a context for Section 4, which details our technical peer review.
- Section 4 is organized into specific topics of concern for analysis of impacts to Hydrology and Water Quality such as drainage patterns, surface water hydrology, geomorphology, ground water, flooding, wetlands, water quality, and hydromodification.¹ For each topic, we reviewed the CVSP DEIR and supporting Hydrology Appendix for adequacy in the: a) characterization of the setting, b) identification of environmental impacts, and, c) proposed mitigation measures. Where appropriate, monitoring of the mitigation measures is also discussed. This evaluation was necessary to help frame our review and establish our recommendations regarding the DEIR.
- Section 5 comments on hydromodification ¹ and the requirements for CVSP.
- Section 6 concludes our comments on the DEIR.

¹ Hydromodification is change in pattern of runoff associated with urbanization (or other use, generally at large scale), and the changes these induce in the form and vegetation supported by downstream channels. The principal environmental impacts of hydromodification are (often) major one-time changes in bed and banks of channels – resulting in project-related erosion and sedimentation – and those associated with biological use of the channels, which may change in type.

2. SUMMARY COMMENTS

This section summarizes some of the major issues identified in the CVSP DEIR associated with hydrology and water quality. Sections 4.0 and 5.0 expand on these comments with technical detail.

1. The DEIR describes a developed area in the CVSP that includes urbanization of over 3,500 acres (34 %) of the Fisher Creek watershed, a major tributary to Coyote Creek. The DEIR fails to provide an adequate background or project description for the proposed development area to evaluate how the urbanization of this size will impact functions, values, beneficial uses, and natural resources in Coyote Creek. The DEIR fails to describe Coyote Creek from an integrated watershed perspective, with a channel that has an active surface- ground-water connection and a functional floodplain in Coyote Valley. Instead, the DEIR provides a limited existing-conditions assessment and presents Coyote Creek solely from its ability to contain a specified return interval flood. Many complex issues are operating in this watershed and careful consideration of each one and their cumulative effects is critical in establishing mitigation based on sound science to minimize the environmental impact of the CVSP. **Coyote Creek's hydrologic functions and values must be included in the DEIR to provide adequate background to evaluate the CVSP's potential impacts on hydrological functions and values within the Coyote Creek watershed.** See Section 3.0 to 3.3.
2. The CVSP DEIR does not adequately address all 10 questions established in the CEQA Environmental Checklist that a Lead Agency must use to evaluate project impacts to hydrology and water quality (Appendix G, California State Office of Planning and Research, 2007). Most notable, the CVSP DEIR lacks adequate pre- and post-project characterization that would allow reviewers to evaluate if the project "substantially alters existing drainage." As described in the DEIR, the CVSP project includes a stream relocation and restoration project, stormwater drainage system, and flood detention and conveyance facilities; all of which could alter the existing on-site drainage, ground water recharge, on-site retention, and could affect flooding in the Coyote Creek watershed. **As part of this investigation, the DEIR should provide written (quantitative) and illustrative descriptions of pre- and post-project drainage patterns.** Specific comments and recommendations to address these concerns in Section 4.1 Drainage Patterns. See also Appendix A.
3. The CVSP DIER evaluated project-related impacts to the existing flow regime in Coyote Creek based on a USGS stream gage identified as Coyote Creek near Madrone (ID #11169970). This gage is located immediately downstream of Anderson Dam and does not specifically represent flows in Coyote Creek downstream of Fisher Creek (a tributary of Coyote Creek) where land use, drainage area, and channel conditions change considerably from conditions near the dam. A more representative stream gage, with a 90-year period of record, is operated by SCVWD and located on Coyote Creek at Edenvale, approximately 4.5 miles downstream from Fisher Creek. **The DEIR should have included a stream gage**

located downstream of the project area in the analysis to provide a more representative period of record and to include a more representative analysis of hydrology. See Section 4.2 Hydrology below.

4. The CVSP DEIR proposes to re-align and "restore" Fisher Creek to its original location and condition. The DEIR fails to: a) describe specific details on the historical condition it wishes to "restore", b) provide conceptual cross-sections and channel planform designs, c) identify existing and future stream functions and values, and d) adhere to guidelines for stream re-naturalization projects developed by the San Francisco Regional Water Quality Control Board ("Regional Board" or RWQCB), as outlined in Riley (1998, 2003). As a result, reviewers cannot evaluate the sustainability of the proposed channel relocation and restoration or its potential impacts on downstream waters. Because Fisher Creek is a major tributary to Coyote Creek, land use changes and subsequent channel changes are likely to have a significant influence on Coyote Creek. **As a result, the DEIR should evaluate the sustainability of the proposed channel relocation and restoration- and its potential impacts on downstream waters.** See Section 4.3 Fluvial Geomorphology below.
5. The CVSP proposes multiple new bridge crossings over Coyote Creek. The DEIR does not evaluate the impacts of these bridges as they relate to effects on hydraulics or flooding. **At a minimum, conceptual drawings of these crossings should be provided as part of the DEIR so that their potential effects on flow characteristics and flood conveyance can be evaluated.** See Section 4.4 Flooding below.
6. The CVSP project will impact at least 93 percent of existing wetlands known to occur on the project site. In our experience, the Army Corps of Engineers Regulatory Section ("Corps") and the Regional Water Quality Control Board may evaluate this impact as substantial and require further evaluation of project strategies and/or design alternatives that avoid more of the impacts. In addition, the DEIR fails to identify the location, type, and hydrologic support to sustain the proposed mitigation wetlands, as well as how the existing, non-impacted wetlands will hydrologically function after project implementation. Furthermore, an assessment of the impacted wetlands' functions and values is necessary to evaluate the potential for success of mitigation at a proposed 1:1 ratio (replacement: impact). Reduction of wetland acreage can have a cumulative effect on major watershed functions within Coyote Creek such as general water quality, flood water retention, and habitat. **The DEIR should include an assessment of wetland functions and values, locations and conceptual drawings of mitigation wetlands, the hydrologic rationale for their design, and an assessment of the cumulative impacts of wetland mitigation on Coyote Creek watershed functions.** See Section 4.5 Wetlands below.
7. The CVSP DEIR proposes stormwater treatment to meet Santa Clara County's NPDES C.3 requirements. **The DEIR should include a specific plan that identifies locations and shows conceptual drawings of stormwater quality BMPs so that reviewers can evaluate their effectiveness relative to site conditions, wetlands, and treatment requirements, as well as evaluate its effects on the important channel corridor downstream and adjacent to the project. Without this**

information, the DEIR fails to provide adequate information to the public or decision makers to evaluate the impacts of the project or to allow analysis of the adequacy or effectiveness of any proposed stormwater treatment BMPs. See Section 4.6 Water Quality below.

8. The project proposes to offset extraction using ground-water recharge basins fed with “advanced treated recycled water” and in-stream recharge in Coyote and Fisher Creeks. The DEIR does not evaluate whether the project will “substantially deplete ground-water supplies or interfere with ground-water recharge” associated with sustaining ground-water fed wetlands and water resources. **The DEIR should include a “specific” plan to locate both the ground-water extraction areas and depths as well as locate recharge basins and segments of streams used for in-stream recharge so that potential impacts may be evaluated.** See Section 4.7 Ground Water
9. The CVSP DEIR claims exemption from the HMP requirements. However, the Santa Clara County Hydromodification Plan (HMP) list of exemptions does not support the CVSP project’s rationale for exemption. The CVSP DEIR fails to use the appropriate information to meet HMP exemptions or misinterprets HMP definitions. **The CVSP DEIR should re-evaluate conditions of exemption under SCURVPP HMP and provide a quantified analysis for meeting the requirements for the HMP.** See Section 5.0 Hydromodification.

3. BACKGROUND: COYOTE CREEK

The CVSP DEIR describes a project area that includes urbanization of 3,500 acres (34 %) of the Fisher Creek watershed, a major tributary to Coyote Creek. The CVSP DEIR fails to provide an adequate background or project description for the proposed area to evaluate how this large percentage of urbanization will impact downstream functions, values, beneficial uses, and natural resources. Below, we identify the characteristics missing from the CVSP DEIR. These characteristics also frame our review and provide the necessary background to support our conclusions.

Coyote Creek drains over 320 square miles and is the receiving waters for Fisher Creek. Fisher Creek drains 16 square miles (over 10,000 acres) of the Coyote Creek watershed in an area in which current and historical land use is dominated by agriculture. As proposed, the CVSP will alter drainage patterns, absorption rates, run off, and other hydrologic processes on approximately 3,500 acres, with direct impacts to Coyote Creek, both above ground, in the aquifer, and along the adjacent riparian corridor. In fact, Fisher Creek has been altered to drain a naturally wet and inundated area that historically did not have a direct surface water connection to Coyote Creek in normal flow years. Historical channelization and relocation of the natural drainage in the Fisher Creek watershed facilitated orchard development and farming.

A significant but unquantified portion of Fisher Creek is proposed for re-alignment, restoration, flood control improvements, water quality improvements, and wetland mitigation under the CVSP. One of our goals in providing the comments in this section is to develop a broader understanding of Coyote Creek watershed and issues associated with alteration of conditions along its edges and in Fisher Creek due to changes in drainage as a result of the urbanization proposed by the CVSP project. Many complex issues are operating in this watershed and careful consideration of each one and their cumulative effects is critical in establishing mitigation based on sound science to minimize the environmental impact of the CVSP.

Below, we briefly describe the significance of Coyote Creek to the greater San Francisco Bay area and we identify Coyote Creek's hydrologic functions, values, and beneficial uses. A more detailed description of these sections is in Hastings and Porter (2005).provided in Appendix B

of this report. The DEIR should carefully consider these characteristics in assessing impacts and identifying mitigation measures.

3.1 Importance and Significance of Coyote Creek Parkway and Watershed

The Coyote Watershed consists of all the lands that drain into Coyote Creek from its 29 major tributaries. As the largest watershed in Santa Clara County, it is home to over 1,000,000 people, is a major local source of surface and ground water, and provides habitat for several species of special concern. Within the Santa Clara Valley and Coyote Valley, increasing density of development, transportation corridors, and encroachments into the floodplain have had a profound impact on stream corridors in the watershed. Urbanization limits the natural meandering of creeks, impacting natural stream processes and riparian, aquatic, and wildlife habitat. Increases in impervious surfaces decrease ground-water recharge and increase the rate of stormwater runoff during rainfall events, increasing the volume of water that creeks are expected to carry. Increased urban runoff entering Bay Area streams have generated measurable impacts to channel stability (Owens and others, 2003), surface-ground-water interactions and compromised infrastructure and public safety.

Coyote Creek, the largest stream in the watershed, is the dominant physical feature in Coyote Valley along the eastern valley edge and forms the eastern boundary of the CVSP area. The creek corridor maintains a wide zone of influence and its riparian resources are of regional significance. The Coyote Creek Parkway County Park (Parkway) also represents a unique resource as it contains the longest publicly-owned continuous riparian landscape in the Bay Area. Containing about 16 miles of the 26 miles of Coyote Creek that lie on the valley floor, the Parkway is located in the middle Coyote Creek watershed, downstream from the Anderson Reservoir in central Santa Clara County. The Parkway serves an important role in the hydrological processes associated with the Coyote Creek watershed such as floodplain connectivity and surface/groundwater connectivity, while also providing the public with an educational and enjoyable place to recreate. Fisher Creek (and the CVSP) discharges to Coyote Creek approximately 8.5 miles downstream of Anderson Dam.

Santa Clara County Parks' Coyote Creek Parkway County Park Integrated Natural Resource Management Plan and Master Plan (Integrated Plan), approved by the Board of Supervisors in March 2007, has identified the regional importance and significance of the Coyote Creek Parkway in the watershed. The Integrated Plan provides information for current and future

natural resources planning for the Parkway and guidance for future integrated use and management of valuable natural systems found in or adjacent to Coyote Creek.

3.2 Hydrologic Functions and Values of Coyote Creek

A summary assessment of the key functions and values of the Coyote Creek watershed was completed as part of a historical and existing conditions report completed in 2005 (Hastings and Porter, 2005). The DEIR fails to describe Coyote Creek as a channel with an active surface-ground-water connection and a functional floodplain from a holistic watershed perspective. Instead, the CVSP DEIR provides a limited existing conditions assessment and presents Coyote Creek solely from an engineering perspective—or its ability to contain a specified return interval flood. Coyote Creek's functions and values are summarized in Sections 3.2.1 through 3.2.6 below. These characteristics must be included in the DEIR to provide the reader adequate information to evaluate the CVSP's potential environmental impacts on these functions and values, downstream on Coyote Creek.

3.2.1 Floodplain connectivity

The concept of floodplain connectivity expresses not only the ability of a channel to spill onto the adjacent floodplain, but also the connectivity of the floodplain up- and downstream. Geomorphic considerations include aspects such as peak discharge attenuation, reductions in channel erosion from reduced flow depths, sediment storage, and increased opportunities for ground-water recharge. The Coyote Creek floodplain is currently functional and continuous for the length of the Parkway, which stretches over 16 miles. One of the highest natural resource values of the Parkway is the up- and downstream continuity of the Coyote Creek floodplain, which contains a diversity of creek, riparian, and ground-water functions as well as upland habitat.

3.2.2 Surface-water and ground-water connectivity

Background analyses of local hydrology and hydrogeology demonstrates that Coyote Creek serves an important function for recharging the Santa Clara and Coyote Valley ground-water sub-basins. A large proportion of the water supply used by dozens of communities and agricultural operations rely upon these basins. The Coyote Creek channel serves an important role in maintaining ground water resources by preserving and enhancing surface-water and ground-water connectivity.

3.2.3 Flood conveyance

One of the Santa Clara Valley Water District's² (SCVWD) main priorities is to protect and maintain the ability of stream channels to convey the 100-year flood (1% probability flood). Based on the available 100-year hydrologic record, flows in excess of 6,000 cubic feet per second (cfs) occur in Coyote Creek downstream of Anderson Dam on a regular basis (on average every 7 years) despite the operations of the upstream reservoirs (Anderson and Coyote). The Parkway has significant floodplain acreage along the channel that functions to dissipate and store flood waters, minimizing flood damage downstream in more urbanized and confined environments. Increases to peak flows, as the result of increased urbanization, could jeopardize channel stability, County infrastructure and public safety.

3.2.4 Cold-water fisheries

A significant value of the Parkway is that it has the natural resources necessary to promote and support cold-water fisheries restoration in Coyote Creek. Most of the area designated as the "Cold Water and Fish Management Zone" by the Fisheries and Habitat Collaboration Effort (FAHCE)^{3,4} agreement is located within the Coyote Creek Parkway. This management zone extends from the Anderson Dam spillway to the entrance of the Coyote Valley Golf Course, just downstream from the Ogier Ponds. The management objective in the coldwater zone is to restore and maintain healthy salmonid populations.

3.2.5 Wetlands and seeps

One of the many values of the Coyote Creek corridor (and its greater watershed) is the presence of wetlands and seeps along the floodplain. These features support wildlife by providing habitat along the floodplain corridor. The Parkway has multiple wetlands and seeps within the park boundaries that should be identified and protected as valuable natural resources. Ground water is an important source of water for many seasonal wetlands and all seeps. To maintain these features along the corridor of the Parkway, it will be important to consider how various projects, both located within the Parkway and on adjacent land, will affect the ground water table and thus the seasonal wetlands and seeps.

² The SCVWD is the primary water resources agency for Santa Clara County, California. It acts not only as the county's water wholesaler, but also as its flood protection agency and is the steward for its streams and creeks, underground aquifers and district-built reservoirs.

³ Under the FAHCE agreement, SCVWD is authorized to release flows from Anderson Dam to maintain a wet channel in Coyote Creek to a downstream point identified as Metcalf Park.

⁴ FAHCE is incorrectly referred to as the "FACHE" throughout the CVSP DEIR.

3.2.6 Sediment transport

Anderson and Coyote Reservoirs already impact sediment transport along Coyote Creek Parkway. These water supply reservoirs trap sediment behind the spillways and release “clean” (sediment-deficient) water downstream. In many systems, sediment-deficient channels downstream of reservoirs act as an erosive force as they seek to reach sediment equilibrium. However, because the Parkway serves as a sediment source incision and instability is avoided along Coyote Creek. Sediment enters the creek downstream from the reservoirs via channel bank erosion and lateral migration of the channel and a lesser degree from tributaries. The edges of old alluvial fans that store gravels are especially important sediment sources. Because Coyote Creek is not confined within the Parkway and can migrate laterally and thus naturally “mine” sediments during high-flow events, the Parkway plays an important role in potentially mitigating some of the impacts on sediment transport caused by the upstream reservoirs. Such channel migration must be addressed in planning and siting creek crossings and urbanized uses in the vicinity of the Creek.

3.3 **Beneficial Uses of Coyote Creek**

California state policy for water quality control in California is directed toward achieving the highest water quality consistent with maximum benefit to the people of the state. Aquatic ecosystems and underground aquifers provide many different benefits to the people of the state. The beneficial uses designated in the Regional Water Quality Control Board’s (RWQCB) Basin Plan listed here are specifically for Coyote Creek and its tributaries. The CVSP DEIR should evaluate the potential environmental impacts on these beneficial uses in Fisher Creek and Coyote Creek. The RWQCB is charged with protecting all uses from pollution and nuisance flows that may occur as a result of stormwater or waste discharges in the region. Beneficial uses can be directly linked to a stream’s functions and values.

- Ground-water recharge
- Cold freshwater fisheries
- Fish migration
- Preservation of Rare and Endangered Species
- Fish spawning
- Warm freshwater habitat

- Wildlife habitat
- Non-contact water recreation
- Water contact recreation (Potential)

The RWQCB has also established existing and potential beneficial uses to major ground-water basins in California. The CVSP is located within the Santa Clara Valley ground-water basin (Coyote Valley). Existing beneficial ground-water uses within this basin include:

- Municipal and domestic water supply
- Industrial process water supply
- Industrial service water supply
- Agricultural water supply

4. TECHNICAL PEER REVIEW

This technical review of Section 4.8 (Hydrology and Water Quality) of the DEIR and the related Hydrology Appendix evaluates several topics for compliance with CEQA in regards to hydrologic and water quality impacts. Each topical discussion is organized into the following subsections and the comments are summarized in Appendix A.

- A. Setting characterization - the adequacy and appropriateness of its characterization of existing setting and the completeness and reliability of supporting data;
- B. Impacts - the appropriateness and completeness of proposed conclusions; and
- C. Mitigations - the adequacy of hydrologic mitigations.

4.1 Drainage Patterns

4.1.1 Setting characterization

At the most basic level, neither the DEIR nor the Hydrology Appendix provide discussion or supporting figures that describe overall existing and post-project drainage patterns. Independent analysis by Balance of SCVWD GIS layers shows that Monterey Highway is generally the current watershed divide between Coyote and Fisher Creeks. Post-project drainage, a critical element of CEQA review, is not adequately presented. The DEIR does not state whether these major drainage patterns will be altered by the CVSP. Thus, we cannot evaluate if the proposed project has a “significant impact” on existing drainage patterns—one of ten pertinent questions presented in the hydrology and water quality sections of the CEQA Environmental checklist (Appendix G, California State Office of Planning and Research, 2007).

4.1.2 Impacts

Because the CVSP proposes development for both sides of Monterey Highway, we assume that those portions east of the Highway will continue to drain directly to Coyote Creek. Therefore, the DEIR should address impacts of flooding, erosion and sedimentation, and water quality in Coyote Creek upstream of Fisher Creek. For example, it is not clear if the project provides any water quality best management practices (BMPs) for direct runoff to Coyote Creek from this portion of the CVSP. Conversely, if the CVSP is proposing to route runoff from the east side of Monterey Highway to Fisher Creek, then the potential to substantially alter existing drainage

patterns should be evaluated. Without this information, the DEIR fails to adequately disclose potential impacts from drainage of the CVSP.

4.1.3 Mitigation

Failure to identify pre- and post-project drainage direction precludes an adequate review of the effectiveness of any mitigation measures aimed at minimizing impact to hydrology and water quality in Coyote Creek upstream of Fisher Creek. If there is the potential to substantially alter existing drainage patterns, then potential impacts and subsequent mitigation measures need to be clearly identified. The DEIR should be revised to provide adequate disclosure and analysis of drainage issues, should evaluate the impacts associated with and changes to drainage patterns, and should establish mitigations for the impacts.

4.2 **Surface Water Hydrology**

4.2.1 Setting characterization

The CVSP proposes to re-align and restore segments (stream lengths unspecified) of Fisher Creek to its pre-agriculture location with improved functions and values. However, a comprehensive assessment of the key hydrologic functions and values is absent from the characterization of the existing and proposed Fisher Creek within the DEIR and the Hydrology Appendix. This assessment is essential in establishing a solid understanding of the natural resources that are part of the CVSP. Such an assessment should be used to develop and guide restoration goals consistent with functions and values established in the greater Coyote Creek watershed and would help address cumulative impacts as required under CEQA guidelines. Examples of Coyote Creek's key hydrologic functions are described in Section 3.0 of this report, and in Hastings and Porter (2005). Fisher Creek may or may not support the same functions and should therefore be evaluated in a consistent manner. An assessment of stream functions and values would assist reviewers in evaluating if the proposed re-aligned and restored channel will have "improved" functions and values and may help guide restoration objectives and goals.

The DEIR fails to evaluate all available surface water flow data. The existing conditions hydrograph for Coyote Creek at the confluence of Fisher Creek is based on an analysis of the 1948 to 1987 period of record for the Coyote Creek near Madrone⁵ U.S. Geological Survey

⁵ USGS gage # 11169970

(USGS) stream gage, located approximately 7.5 miles upstream of the confluence. This flow record is inadequate in two respects.

First, this gage is located immediately downstream of Anderson Reservoir and only measures Anderson Reservoir releases and overflows. Flows recorded at this gage during a large magnitude event do not account for flood characteristics of natural runoff within the watershed between Anderson Reservoir and Fisher Creek. A hydrologic analysis using the Coyote Creek at Edenvale stream gage, located 4.5 miles downstream from Fisher Creek, is the appropriate characterization of existing setting for an analysis of stormwater runoff and flooding impacts associated with CVSP (Jae Abel, fisheries biologist with SCVWD, personal communication, April 30, 2007). The CVSP DEIR failed to identify and analyze this stream gage.

Second, the CVSP DEIR failed to include the period of record from 1988 through the present for the gage at Coyote Creek near Madrone in the analysis, despite this data being available through the SCVWD. This period of the overall record includes some of the wettest years (mid 1990s) for the period of record. For example, the 1997 El Nino storm resulted in the highest recorded flows in Coyote Creek in the post-Anderson/Coyote Dams period of record. The resulting flood caused considerable changes to the channel near Ogier Ponds, inundated a mobile home park and municipal golf course, and closed several key thoroughfares (SCVWD, 2006). A hydrologic analysis that excludes the wettest periods within the record skews the analysis by exaggerating the effects of low flows and dam releases from Anderson Dam.

The CVSP DEIR did note the magnitude for the 1997 flood event (a 10- to 15-year recurrence interval) for the USGS Coyote Creek gage near Madrone; however, the 6,280 cfs recorded here was considerably lower than the 7,500 cfs measured at Coyote Creek at Edenvale. This illustrates the importance of using the appropriate period of record at the appropriate gage.

4.2.2 Impacts

A critical component of a proposed project's environmental impact is its potential to alter hydrology by altering the existing floodplain. Alteration of the floodplain can influence erosion and deposition patterns, sediment transport, and flooding downstream. The CVSP identifies large portions of the project area as within the FEMA revised floodplain area of Coyote Creek and proposes to reduce the Coyote Creek setback to 100-feet by elevating the land surface (fill) above the modeled 100-year water surface elevation. The DEIR ignores the potential impacts to

the naturally occurring and active floodplain and its effects on flood flow hydraulics associated with this reduced protected setback.

First, the CVSP proposed 100-foot setback along Coyote Creek ignores the natural channel form, floodplain dynamics, and the hydrologic function of sediment transport (see Section 3.2.6). Hastings and Porter (2005) identified the active floodplain width along Coyote Creek. The width ranged between 500 to 3,000 feet based on an analysis of aerial photographs, topographic maps, soil maps, and the FEMA 100-year flood mapping. Sediment enters the creek downstream from the reservoirs via channel bank erosion and lateral migration of the channel. The edges of old alluvial fans that store gravels are especially important sediment sources. Because Coyote Creek is not confined within the Parkway (i.e. 100-feet) the system can migrate laterally and thus naturally “mine” sediments during high-flow events, the Parkway and its protected buffer plays an important role in potentially mitigating some of the impacts on sediment transport caused by the upstream reservoirs. Based on this analysis, a 100-foot setback may be inadequate and may induce significant changes to channel form, hydrologic function, and flooding downstream.

Second, a higher, inaccessible floodplain may minimize flooding conditions within the CVSP, but it may also create deeper flood flows within the main channel of Coyote Creek due to the loss of adjacent floodplain. Deeper flows are directly proportional to shear stress and channel slope. As shear stress increases, an alluvial channel, such as Coyote Creek, erodes. In other words, increased flood depths in Coyote Creek could generate erosion through processes such as channel incision and/or bank failures, depending upon the bed and bank materials. Much of Coyote Creek currently flows in non-cohesive alluvium and is susceptible to avulsions and bank failures during high flow events. For example, the 1997 flood scoured a natural levee, abandoned the former channel, and adopted a new course through the Ogier Ponds. Both the loss of floodplain to attenuate high flows and downstream incision (indirectly causing floodplain abandonment) can increase flooding downstream, induce channel changes, and compromise public safety, infrastructure and environmental quality downstream. The DEIR should evaluate whether raising areas within the 100-year flood plain will alter flow depths and flood velocities in Coyote Creek. Additional flooding impacts from reduced floodplain access and lack of sufficient gaging data (introduced in Hydrology setting characterization) is further addressed in Section 4.4 Flooding.

Similarly, the CVSP proposes several bridge crossings across Coyote Creek. If not properly designed, bridge crossings can cause serious impacts to channels. For example, the Silicon Valley Boulevard bridge crossing over Coyote Creek about 2.5 miles downstream of Fisher Creek is identified in the DEIR as recent construction which has caused measurable channel instability near and at the bridge. Although CVSP plans identify the proposed crossing locations, the DEIR does not provide adequate information on the potential impacts of the bridges on flows of varying recurrence intervals. Bridge conceptual designs and hydraulic modeling are necessary to evaluate conveyance, turbulence, bridge scour, and bed and bank stability, among other potential environmental impacts. Without the identified information, the public and decision makers cannot adequately evaluate the impacts of the CVSP. The City should provide the information, re-evaluate the potential impacts, and identify them in a revised EIR.

4.2.3 Mitigation

An important component of the CVSP project is the protection of a sufficiently wide floodplain corridor along Fisher Creek. The CVSP indicates a protected corridor of varying-widths and illustrates one cross-section with a floodplain width of 102 feet for Fisher Creek (Biology Appendix, Fig. Bio 9). However, no additional information is provided to the reviewer to evaluate how these widths were calculated and how much they vary along the length of restored channel. Additional concerns with the restoration mitigation plan regarding channel hydrology and stability are addressed in Section 4.3 of this report. Protection of a sufficient floodplain corridor is the critical foundation for maintaining a stable channel design and must be adequately discussed and analyzed in the DEIR.

Use of inappropriate stream gages and selectively evaluating a portion of the period of record may have skewed the hydrologic setting used as a basis for several analyses in the DEIR, such as design of a restored Fisher Creek and its impacts on Coyote Creek. Additionally, because of the lack of information and lack of identified mitigation in the DEIR, we could not evaluate mitigation measures for impacts to the hydrology of Coyote Creek at the location of proposed bridge crossings.

4.3 Fluvial Geomorphology

4.3.1 Setting characterization

The CVSP DEIR proposes to re-align and “restore” Fisher Creek to its original location and condition. However, the DEIR fails to describe specific details on the historical condition it wishes to “restore” to. Therefore, reviewers cannot evaluate the functions and sustainability of the proposed channel relocation and restoration or its potential impacts on downstream waters. Because Fisher Creek is a major tributary to Coyote Creek, land use changes and subsequent channel changes are likely to have a significant influence on Coyote Creek. In 2006, the San Francisco Estuary Institute (SFEI) published an historical account of the Coyote Creek watershed, which details its pre-settlement condition and historical changes. In this section, we frequently reference this document for our comparison and review.

The RWQCB established guidelines for the re-naturalization of urban channels in 2003 (Riley, 2003). These guidelines provide a geomorphic approach to stream re-naturalization and promote geomorphic-based concepts acceptable to the RQWCB. These guidelines, or reference to them, are absent from description of the Fisher Creek restoration plan in the DEIR.

SFEI (2006) reports that discharges from Coyote Creek tributaries (including Fisher Creek) were increased through artificial channel extensions over 85 years ago. Fisher Creek, like many other tributaries in the watershed, was historically a “distributary” or a system that discharged across the valley floor (at Laguna Seca) into a wet meadow complex instead of a defined channel that drained directly to Coyote Creek. Its primary hydrologic functions were ground-water recharge and hydrologic support for wetlands. Extension of the Fisher Creek “distributary” was completed in the mid-1800”s in an attempt to drain Laguna Seca and surrounding areas for agriculture and orchard production. The CVSP should define what historical condition it wishes to “restore” or—a likely better descriptor—re-naturalize. An identified re-naturalized condition, and its associated functions and values would help guide restoration. Without this restoration information, the DEIR fails to provide the reader adequate information to evaluate the potential impacts from “restoration.”

4.3.2 Impacts

The success or failure of a channel restoration project is dependent upon its continuity with the hydrology and geomorphology upstream and downstream from the restored segment. Fisher Creek is a major tributary to Coyote Creek and urbanization of its watershed could have

measurable impacts downstream. In this section, our review of potential environmental impacts of the CVSP focuses on the proposed changes to the Fisher Creek corridor and its potential to impair downstream functions, values, and beneficial uses of Coyote Creek. Failure of a major tributary to Coyote Creek could result in large inputs of sediment and turbidity to Coyote Creek, which could negatively impact channel processes and habitat throughout the Coyote Creek Parkway downstream of Fisher Creek. Section 4.8 of the DEIR fails to provide a clear discussion of the potential environmental impacts caused by the Fisher Creek "restoration." Therefore, our evaluation relies heavily on descriptions in the Hydrology Appendix.

A better understanding of historical Fisher Creek channel planform and processes may assist planners achieve a sustainable restoration design that would protect functions and values within Fisher Creek and downstream waters. Several stream restoration projects in the Coast Range Province have failed due to a poor understanding of the stream's fluvial processes and historical "stable" channel form. For example, a channel reconstruction project on Uvas Creek in the City of Gilroy, California was developed and constructed as a meandering, single-threaded channel system. The project plan presented no evidence to support the assertion that Uvas Creek formerly attained this "stable" channel form (Kondolf, Smeltzer, and Railsback, 2001). In subsequent years, after project implementation, the restoration reach failed and re-established its natural channel form—a braided system. Flows abandoned the designed channel and established a new, multi-threaded course through the constructed floodplain. A post-project evaluation observed measurable scour and deposition throughout the restoration reach and downstream. Fortunately, the restoration reach was in a rural setting and caused no damage or loss to infrastructure. In the case of a failed restored Fisher Creek, downstream impacts could be detrimental to water quality, salmonid habitat, public and private infrastructure, and potential losses to life and property. Remediation could be costly. Because of the potentially significant impacts, the DEIR should be revised to include adequate information to evaluate the restoration plan.

CVSP proposes the restoration of Fisher creek to a "geomorphically stable" system with a "multi-staged channel" and floodplain "self-moderating in terms of a sediment budget." The DEIR does not, however, provide a conceptual channel planform, cross-section geometry, or a sediment budget substantiating the conclusion for public review. Instead, the DEIR proposes a "stable" channel with a:

“ low-flow channel designed so that stream velocities are generally such to allow for the development of an armor layer during a two-year flow event, and the channel bedding would be sized to allow for natural pool and riffle sequences with development of natural bars and shoals...” (DEIR Appendix I, Schaaf & Wheeler, 2006, section 2.3.1, p. 2-12)

Based on the Existing and Historical Conditions Report of the Coyote Creek Parkway prepared by Balance (Hastings and Porter, 2005) and a review of the Santa Clara County Soil Survey (Lindsey, 1974), the area proposed for Fisher Creek channel relocation and re-naturalization is underlain, most-dominantly, by Clear Lake clays to depths greater than 8-feet. The proposed maximum depths of the re-naturalized Fisher Creek would be completely within these highly expansive clays. The dominance of clays and their associated engineering properties may not be adequate to support the proposed channel form and urbanized flow regime. It is uncertain if the proposed “pool-riffle” sequence can be a sustainable channel form under the influence of urban flows and clay-dominated bed and banks. Pool-riffle morphology is commonly associated with alluvial channels with low to moderate energy slopes and bed material ranging from sand to cobble, but typically are characterized by gravels (Montgomery and Buffington, 1997). The DEIR’s description of the restoration of Fisher Creek does not provide information on proposed channel slopes. Furthermore, clay-dominated channels typically do not exhibit the proposed bed armoring without introduction of a larger bed material. These proposed channel characteristics are inconsistent with the setting characterized by others. Re-naturalizing a channel with the proposed geomorphic components may result in an unsuccessful channel design, which has potential consequences of disrupting the balance of flow and sediment downstream and result in the impacts outlined above.

Research has established a basic understanding and support for process-based river restoration applied to projects with clay- and silt-dominated channels (Schumm, 1960; Kondolf, 1998). The CVSP DEIR proposes a multi-staged channel accommodating the 100-year flood and a low-flow channel but fails to describe the channel processes that might support this channel form.

Designing a restored channel based only on channel form is no longer an accepted method of approach in either theory or application, given the advances in the understanding in fluvial geomorphic processes. The processes in clay-dominated channels are not gradual, but instead are punctual, evolving through knickpoint erosion and avulsion. Balance is currently documenting these processes in a channel restoration project located in the Dougherty Valley of Contra Costa County as part of a 10-year monitoring program. The channel is constructed in the same soil type—Clear Lake Clays—as the proposed Fisher Creek. In the first 4 years of

monitoring of this project, multiple remedial actions and costly channel maintenance has been required. For example, a number of avulsions have caused measurable downstream sediment deposition and resulted in reduction of channel capacity. The consequences of a design based on channel form for Fisher Creek, instead of a design based on the processes that control that form, can be significant in initial and ongoing costs, both environmental and economic, and have significant impacts to Coyote Creek. The DEIR should include a more comprehensive channel restoration plan that includes an analysis of the active channel processes in the watershed and how urbanizations might affect those processes. In addition, the project should consider RWQCB guidelines, recent literature, and local examples of successful and unsuccessful channel restoration projects when designing the Fisher Creek restoration.

4.3.3 Mitigation

At this time, we cannot complete our review of the mitigation strategies because the proposed channel restoration design has insufficient information to evaluate either its feasibility or likely environmental impacts to Coyote Creek. The DEIR needs to be revised to include an improved restoration plan that incorporates RWQCB guidelines (Riley, 2003), fluvial geomorphic principles, site- and soil-appropriate channel geometry and design approach, and conceptual drawings may allow for such an evaluation, and its potential for success of relocation and re-naturalization. These are critical to projecting effects on downstream functions and resources, both initially and for the future. Conversely, poorly-chosen or poorly-executed design will logically lead to ongoing maintenance and disturbance that will continue to adversely affect not only the lower reaches of Fisher Creek, but also long segments of Coyote Creek downstream of the confluence. Without a well-developed design, the impacts from the restoration could be far greater than that disclosed in the DEIR.

Similarly, the DEIR fails to describe whether flows, floods, or sediment needs of the tributaries to Fisher Creek were incorporated into the restoration plan. No provisions for planning the downstream-most reaches of Fisher Creek are given (such as the bed elevation, or how far upstream backwater effects from high water in Coyote Creek may extend during floods). This is a basic requirement of restoration planning. These omissions are akin to planning a freeway without considering the on-ramps or the rush-hour traffic or the trucks that they need to convey. Where based on site-appropriate design, reasonably implemented, ongoing maintenance can be mitigative. The DEIR, however, provides no plans to monitor or adjust the form or substratum of the new channel system, or to abet its stabilization during the initial years of "grow-in" or establishment. Stream restoration plans should provide a form of

adaptive management. Appropriate monitoring and maintenance plans, including contingency measures for various potential failure scenarios should be outlined and identified in the DEIR for Fisher Creek to address potential problems (as observed from other Bay Area restoration projects) and minimize impacts (excessive sediment or deposition) in downstream waters or Coyote Creek.

A Stream Maintenance and Monitoring Plan (SMMP) is briefly mentioned in the Biology section of the DEIR. However, it does not make any mention of geomorphic (or hydrologic) monitoring, maintenance or long-term goals. The failure of the DEIR to reference geomorphic monitoring in the Hydrology section demonstrates the lack of integration of environmental factors, which are necessary for sound restoration design and maintenance. In addition, this failure to include geomorphic or hydrologic monitoring in the SMMP also portends that hydrologic/geologic professionals may not be envisioned to participate in the future re-design and maintenance of this channel system. Details of the SMMP should be outlined and disclosed in the hydrology and water quality sections of the DEIR in order to enable the reviewers to evaluate its adequacy.

4.4 Flooding

4.4.1 Setting characterization

The CVSP proposes to urbanize approximately 3,500 acres of currently agricultural or vacant land along both Coyote Creek and Fisher Creek, which currently functions as a floodplain with portions of the CVSP designated in the Federal Emergency Management Agency's (FEMA) 100-year flood zone. The CVSP DEIR provides insufficient information on the flood model (HEC-1) for a technical evaluation. For example, Figure I.3-2 of the Hydrology Appendix is of insufficient quality to identify a number of the basins, while Figure I.3-3 fails to show the land use types and basins. Information on parameters such as watershed areas, infiltration rates, times of concentration, rainfall distribution, channel lengths, etc. is required to evaluate the flood conditions. Additionally, HEC-1 model output reports containing the input data and detailed results are easily generated, but were not provided as appendices to the hydrologic study. If these components were available, the modeling parameters and methodologies could be evaluated specifically and the modeling could be replicated if necessary. Sensitivity analyses could also be performed on parameters with relatively high levels of uncertainty. Without this information, it is impossible to determine whether the DEIR adequately evaluated the potential flood impacts of the CVSP. The DEIR should be revised to include this information.

A non-steady state model of the Coyote and Fisher Creek systems is mentioned in Appendix I.3 on the Hydrologic Calculations. The model uses the hydrographs from the “corrected effective” and “post-project HEC-1” results to conclude that the 100-year discharge is contained within the flood control system. No information was available to evaluate this model and no data are provided to support this claim. The analysis in the DEIR is inadequate because, among other reasons, HEC-1 is not capable of simulating how sediment (from the project area or from tributaries) may affect channel capacity, or how vegetation and logjams in the channels may affect it. In addition, by not disclosing how the new channels will provide for these intrinsic elements of restored streams, the DEIR raises a strong prospect of two scenarios. First, replacement of the restored stream with an engineered channel may be needed; or second, continued, ongoing channel maintenance will be required and will create disturbances that not only depreciate the natural values and functions of the restored stream but also result in continued impacts on channels downstream of Fisher Creek. An open-channel flow model, such as HEC-RAS, should be used. Such a model could provide valuable information about water elevations, channel velocities, average shear stress values, which, in turn, can be used to estimate the size and volume of sediment transported or deposited and aid an evaluation of channel design and its impacts on Coyote Creek.

4.4.2 Impacts

The CVSP DEIR proposes encroachment of the 100-year floodplain between Coyote Creek and Monterey Highway. This encroachment will result in a reported 0.8-foot increase in the 100-year water-surface elevation. FEMA does not consider any surcharge less than one foot as a significant impact from a Federal emergency standpoint, however, the DEIR does not consider how this increase in the 100-year water surface elevation will affect public safety, infrastructure and natural resources in Coyote Creek downstream and adjacent to the CVSP. The CVSP DEIR fails to evaluate the spatial extent of this 0.8-foot increase on County and other infrastructure within the Coyote Creek corridor. The CVSP DEIR should include a plan-view or map of water levels relative to existing topography to evaluate impacts associated with increases to the 100-year surface water elevation.

Floodplain encroachment affects floodplain storage. The CVSP DEIR should be clearer and more comprehensive regarding the loss of floodplain storage and its potential impact on water surface elevations and flood discharges in Coyote Creek. This may be particularly relevant to Fisher Creek, where the proposed CVSP occupies a very large floodplain area as shown in the FEMA FIRM map and post-project floodplain (100-year) is reduced to a 102-foot wide corridor.

The CVSP DEIR needs to show that the storage provided by the project is sufficient to make up the reduced floodplain storage as well as provides the storage required by the additional impervious areas associated with the project. This can be accomplished by estimating and comparing the pre- and post-project storage volumes, or by routing the actual subwatershed hydrographs through non-steady state models of the pre- and post-project reaches that incorporate the available storage in the respective conditions. Currently, the DEIR lacks an estimation of the pre- and post-project flood storage volume available and a verification that there is sufficient flood storage in the post-project condition for Fisher Creek and the portion of Coyote Creek watershed east of Monterey Highway.

The CVSP proposes multiple new bridge crossings over Coyote Creek; however, the impact of these bridges is not addressed in the hydrology report as they relate to effects on hydraulics or flooding. The DEIR should provide conceptual drawings of these crossings so that reviewers can evaluate their potential effects on flow characteristics and flood conveyance, and to assess various alternatives and potential mitigations. Hydraulic modeling will be necessary to show the effect of the bridge on water surface elevations in Coyote Creek, the velocities and scour potential at the bridge crossings, and the freeboard of the bridge soffit above the 100-year water surface elevation. The CVSP DEIR should be revised to include an evaluation of the cumulative effects from multiple bridges on the channel reach and downstream channel conditions of Coyote Creek.

4.4.3 Mitigation

Based on the above information, we were unable to evaluate the CVSP and its flood mitigation measures. In fact, the CVSP DEIR claims no significant impact from flooding, but fails to provide rationale and supporting data to evaluate this claim.

4.5 Wetlands

4.5.1 Setting characterization

Wetlands serve a number of important functions within the Coyote Creek watershed. Several include, but are not limited to, a) flood retention, b) water quality, c) ground-water discharge, d) ground-water recharge, and e) habitat. The number of functions a wetland serves is dependent upon the type of wetland. The DEIR indicates that the CVSP area exhibits diversity in wetlands types that include, but are not limited to: a) seasonal, b) emergent marsh, c) seeps, and d) perennial wetlands. Hydrologic support for these wetlands can include ground water, direct rainfall, springs, hillslope runoff, overbank flows and treated urban runoff. The CVSP DEIR includes a description of some of these habitats (Biology Appendix G), but the hydrologic components are missing in the discussion or setting characterization of Hydrology in the CVSP DEIR. This DEIR does not make any effort to integrate the Biological and Hydrological sections, especially in light of such large and extensive impacts to wetlands.

4.5.2 Impacts

The CVSP DEIR specifies that the project will impact 137 acres (93%) of the 148 acres of wetlands known to occur on the project site. However, the DEIR fails to specify the location and type of impacted wetlands and their associated hydrologic support mechanisms. It is unclear whether the impact includes direct destruction (such as fill) or also indirect impacts, such as changes in flows, ground-water levels or water quality, an essential part of the discussion of project impact and alternatives evaluation. Furthermore, an assessment of the impacted wetlands' functions and values is necessary to design a successful mitigation plan. The DEIR reports that a jurisdictional map of delineated wetlands is in preparation. It is difficult to characterize the wetland impacts and mitigation without such a map. Furthermore, in our experience, the Corps and RWQCB may evaluate a 93 percent wetlands impact as substantial and require further evaluation of project strategies for wetland avoidance.

4.5.3 Mitigation measures

On-site mitigation for impacted wetlands and streams is proposed at a ratio of 1:1 (replacement: impact). This ratio is lower than the 2:1 and 3:1 ratios we have seen approved for other development projects in the Bay Area. It is not clear if the 1:1 ratio is based on wetland type or simply overall acreage. The DEIR should make this clear. Additionally, it does not appear that the preferred method of wetland avoidance was pursued by the CVSP. Because details and figures of the new wetlands were not provided, it is not clear that mitigation areas can provide

adequate hydrologic support. Reduction of wetland acreage can have a cumulative effect on major watershed hydrologic functions within Coyote Creek such as general water quality conditions, flood-water retention, and habitat. These potential individual and cumulative effects were not identified in the CVSP DEIR.

4.6 Water Quality

4.6.1 Setting characterization

Planning at the scale of the CVSP allows an opportunity to provide state-of-the-art stormwater management. Stormwater runoff can be considered for the entire planning area rather than for individual subdivisions. The CVSP appears to have designed an overall plan for treatment of stormwater runoff with a regional facility (Coyote Lake and the urban canal) and a number of dispersed BMPs (detention basins and the “green system”). However, even broad functional details of these BMPs and their catchments are not provided in the DEIR or Hydrology Appendix.

The RWQCB requires treatment of approximately 85% of the mean annual stormwater runoff from impervious surfaces per the Santa Clara Valley NPDES permit. All stormwater must be treated prior to discharge to *waters of the U.S.* or jurisdictional wetlands (natural or created). Wetland mitigation features (created under Federal Clean Water Act Section 404 permitting) cannot also serve to treat stormwater. The DEIR should, at a minimum, identify locations and provide conceptual drawings of stormwater quality BMPs so that reviewers can evaluate their effectiveness relative to site conditions, wetlands, and treatment requirements. Preparation of a Stormwater Management Plan (SWMP), although not required at this stage, would facilitate the review and analysis of the water quality impacts and proposed stormwater BMPs given the magnitude of this proposed project. The SWMP should describe the CVSP plan to address urban runoff for the life of the project, comprised of source controls, design measures to minimize impervious surface, and treatment controls that remove pollutants from stormwater runoff, and maintenance and monitoring of the BMPs.

4.6.2 Impacts

In an urban setting or proposed urban development, water quality is typically reviewed in the context of stormwater runoff and associated contaminants. However, the linkage between urbanization and stream temperature is also a water quality issue and important to aquatic habitat. The Fisheries and Habitat Collaborative Effort (FAHCE) 2003, between the City of San

Jose, Santa Clara Valley Water District, State Water Resources Board, National Marine Fisheries, and other regulatory agencies and interested private entities, identifies Coyote Creek as a cold-water fishery with the potential for improved salmonid. The Coyote Creek Parkway has the potential to support such habitat as the result of its intact and 16-mile continuous riparian corridor (for shade, cover and food supply). Elements of the FAHCE agreement will soon address flow requirements for depth and water temperature suitable to support salmonids. Currently, the target temperature to sustain cold-water fisheries is below 18 degrees Celsius. The CVSP proposes a re-aligned and restored Fisher Creek channel with components such as a "wider channel" and in-stream detention basins. In addition, a proposed 50-acre, lined, water-quality lake will discharge to the channel. Wider channels typically have shallower base flows and greater areas of open or unshaded waters, which can, in turn, result in increased water temperatures relative to existing conditions. The proposed detention basins and water-quality lake may also promote warmer water temperatures. An assessment of the project's stream temperature impacts and consistency with the FAHCE agreement should be included in the DEIR to adequately address the impacts to downstream resources in Coyote Creek.

Separately, we support the SCVWD advice (Stephens, 2005) to further characterize the soil and ground-water conditions along the corridor proposed for the Fisher Creek channel re-alignment and restoration. A limited investigation of hazardous materials, conducted in 2006 (Alvarez and Helm, 2006) discovered elevated concentrations of DDE, Toxaphene, Dieldrin, and arsenic in several locations. Although these concentrations may be acceptable for some land uses, the DEIR should re-evaluate the potential to leach to a restored Fisher Creek with subsequent downstream water quality and habitat impacts to Coyote Creek.

4.6.3 Mitigation

The CVSP DEIR states that stormwater will drain from developed areas by gravity into a restored Fisher Creek either "directly" or through a "green system" intended to provide bio-filtration treatment prior to discharging to receiving waters. The urban canal and Coyote Lake are also identified as water quality treatment BMPs. In addition, water quality treatment will be provided by a number of water quality/detention basins. These basins may provide the dual purpose of flow attenuation.

The DEIR does not provide enough detail on the proposed BMPs for reviewers to evaluate whether they are adequately designed or appropriately sited. It is not clear where BMPs are

sited, where their catchment areas are located, or what runoff coefficients were used for sizing and it is not clear if runoff that flows “directly” to Fisher Creek will be treated for water quality prior to discharge to the channel. Water quality treatment is typically achieved through a combination of three processes: (1) slow flows so that sediments can drop out, (2) provide contact time with vegetation and soils for filtering and biological and chemical removal, and (3) provide a variety of oxidation states to promote nitrification. The DEIR indicates that one of the primary BMPs, the urban canal will provide water quality treatment and mitigate for hydromodification through a series of weirs and drop structures; but does not describe how weirs and drop structures remove pollutants. The DEIR should provide reviewers with conceptual drawings, locations, and calculations of each BMP.

Furthermore, based on the description of the CVSP and water quality treatment components, it is unclear to the reviewers where and how stormwater runoff enters Coyote or Fisher Creeks from areas in the CVSP east of Monterey Road and what form of treatment is proposed. In the absence of a SWMP or conceptual drawings, we cannot assess the adequacy and/or effectiveness of mitigation measures along the Coyote Creek corridor or how something as basic as drainage can be used to evaluate alternatives.

Although passive, natural stormwater treatment is preferred over engineered treatment (e.g. in-line pollution prevention devices), ground-water constraints may reduce the effectiveness of surface filtration BMPs. For example, depth to ground water within the CVSP area is described in detail by the CVSP and SFEI (2006) and typically is less than 5 feet below ground surface during the wet season or wet years. In some areas (i.e., Northern CVSP) ground water discharges to the surface to feed natural wet meadow and wetland habitat (i.e., Laguna Seca and environs). Stormwater BMPs (such as basins and bioswales) located within these zones, may be susceptible to inundation by ground water, reducing their treatment capacity or effectiveness, especially during the wet season when they are most important. Additionally, in order to protect the quality of ground water, the Santa Clara Valley NPDES permit requires a 10-foot separation between an infiltration BMP and seasonally high ground water levels. Linings of clay or other natural materials to prevent infiltration and/or ground-water inundation can be difficult to design and maintain, particularly in areas of high ground water where buoyant forces stress and break such liners. It should also be noted that the RWQCB does not permit created wetlands to serve the dual function of wetland mitigation and storm water quality treatment. The DEIR should address these constraints when choosing stormwater quality BMPs.

4.7 Ground Water

4.7.1 Setting characterization

Coyote Creek and its tributaries play an important role in recharging and discharging local ground water. Historical ground-water extraction proved detrimental to the local water supply, natural resources, and some infrastructure as the result of measurable subsidence. Years of careful management solutions (e.g., ground-water recharge ponds) have maintained a dynamic balance of ground-water recharge and extraction within the greater Santa Clara Valley (Reymers and others, 2001). Additionally, many wetlands identified within the Coyote Creek riparian corridor and associated floodplain are fed and sustained by ground-water discharge or seeps.

4.7.2 Impacts

Based on the CVSP DEIR, it is uncertain whether the project will, “substantially deplete ground-water supplies or interfere substantially with ground-water recharge” associated with sustaining wetland features and water resources. The Hydrology Appendix states that the Coyote sub-basin is currently underutilized with withdrawals at approximately 11,000 acre-feet per year, but could sustain 13,000 acre-feet. There is no evaluation of how increasing extractions to the sustainable level would impact springs, seeps, and stream low flows or existing riparian areas. Section 2.4.3.3 of the Hydrology Appendix estimates a reduction of 1,000 acre-feet per year; however, there is no analysis of where the changes will occur nor are their assumptions stated in this estimate provided. Finally, the CVSP DEIR estimates a return efficiency of 10 percent for irrigation (parks, lawns, schools, etc.) which is the current efficiency of agricultural irrigation returns. The application of conservation measures (Section 3.2.7 Hydrology Appendix) may suggest that 10 percent returns are unlikely. However, no data were available to calculate an estimated return.

Separately, the impacts of the CVSP on ground-water quality is uncertain. The DEIR provides no evaluation of the impacts associated with using “advanced treated recycled water” for ground-water recharge. Potential contaminants of concern from using recycled water are salinity, nitrates, and emerging contaminants. Additionally, because no information is provided on where ground-water levels will be sustained or will change, it is not possible to assess whether existing pockets of arsenic, pesticides, and other toxic materials discussed above may become mobilized as a result of the project. The DEIR must provide this information in order to provide the public and the decision makers with an adequate opportunity to assess the potential impacts of this project.

4.7.3 Mitigation

The project proposes to extract ground water and offset extraction using ground-water recharge basins using “advanced treated recycled water” and in-stream recharge in Coyote and Fisher Creeks. The DEIR should locate both the ground-water extraction areas and depths as well as locate recharge basins and segments of streams used for in-stream recharge. The Coyote sub-basin is stratified with various aquitards of silt and clay forming unconfined and confined zones. If ground water were extracted from a confined zone but recharged in an unconfined zone, it may be difficult to mitigate for increased demand. Results of historical pump tests (if available) within the CVSP area may supplement or support existing models to evaluate potential impacts on subsidence, adjacent wells, and wetland resources. Furthermore, the CVSP DEIR proposes in-stream recharge for Fisher Creek; however, soil constraints may inhibit these goals at the rates of recharge that may be necessary to offset increasing demand. There are no estimates of in-stream recharge provided to assess its feasibility. The DEIR should be revised to include additional information and modeling is necessary to clearly identify or rule out any significant impacts to ground-water resources (directly or indirectly).

5. COMMENTS ON HYDROMODIFICATION

The CVSP is located within the Santa Clara Valley and regulated under the C.3 provisions of the Santa Clara County NPDES permit, which includes the Hydromodification Management Plan (HMP). The permit requires applicants to describe how they plan to manage increases in the magnitude, volume and duration of runoff (hydromodification) from Group 1⁶ new development and significant redevelopment projects in order to protect downstream waters from increased potential for erosion and other adverse impacts. The issue of hydromodification requires a detailed technical analysis of the project and factors affecting downstream channels, as hydromodification clearly has resulted in extensive channel instability and bank retreat in nearby areas (Owens and others, 2003). Given the limited review period, we cannot address all components of HMP in this report; however, the following comments should be considered on this important topic before the Final EIR is prepared. Additional review of the CVSP and effects of hydromodification on Coyote Creek in the DEIR should include the development and execution of an independent model, evaluation of the Coyote Creek flow regime under FAHCE, evaluation of long-term data using the SCVWD stream gage on Coyote Creek at Edenvale, and a technical analysis of CVSP's proposed BMPs and their effectiveness as runoff controls. These components are described in more detail below.

5.1 HMP Requirements for the CVSP

The CVSP DEIR claims exemption from the HMP requirements based on two separate conclusions:

1. *The variance in predicted, post-project flows in Fisher Creek is dwarfed by the variance in historic Anderson Reservoir releases (Schaaf & Wheeler, 2006, section 2.4.4.3, p. 2-27).*
2. *CVSP meets HMP exemption requirements based on both project characteristics and the stable condition of the stream segment(s) to which the project ultimately discharges (Schaaf & Wheeler, 2006, section 3.4, p. 3-11).*

We address each conclusion and its rationale separately in the following sections:

⁶ Group 1 projects are public and private projects that create one acre or more of impervious surface over the entire project site, including roof area, streets, and sidewalks.

5.1.1 Proposed HMP exemption #1

The HMP does not identify conclusion #1 (above) as an exemption under Section 5.3 Exempt areas and projects of the HMP (SFRWQCB, 2005). In addition, the rationale for exemption is not supportable because there has been an inadequate analysis for the following reasons: a) insufficient data; b) failure to evaluate effects of CVSP on flow regime targets of the FAHCE agreement; and c) failure to evaluate effects on summer base flows and nuisance flows.

First, as with the other modeling components of the hydrology study, the CVSP DEIR Hydrology Appendix provides insufficient detail for technical review of the “HMP computational procedures” used to analyze the impacts of the proposed development on the flow-duration curve of Coyote Creek. The Santa Clara County HMP lists three acceptable models: 1. HEC-HMS, 2. EPA’s Hydrologic Simulation Program (HSPF), and 3. EPA’s Stormwater Management Manual for Western Washington (SWMM). An appropriate review requires identification of the model and parameters used. The DEIR does not identify which model it used or the parameters included.

Similarly, the analysis in the DEIR based post-project predicted flows on daily flows from a 39-year period of record (1948-1987) for the former USGS stream gage on Coyote Creek at Madrone. Although this period of record captures post-Anderson Dam flow regimen, it completely omits recent changes in regulated flows at Anderson Reservoir and the wet period of the mid-1990s. The SCVWD operates and maintains a stream gage⁷ at the old USGS gaging station and can provide additional daily data for the period 1988 to present. In addition, the SCVWD operates and maintains a stream gage on Coyote Creek at Edenvale⁸. This gage has a period of record from 1917 to present and is located downstream from the confluence of Coyote Creek and Fisher Creek. An analysis of Coyote Creek at Edenvale data, as they relate to post-project flows, is necessary considering the dynamics of hydrology in the Coyote Creek watershed. For example, SFEI (2006) describes Coyote Creek as a perched or losing stream within the first 5 to 10 miles immediately downstream from Anderson Reservoir near the location of USGS stream gage near Madrone. Downstream of Fisher Creek, Coyote Creek gains a considerable amount of runoff area and exhibits conditions of a gaining stream where bedrock constrains the local aquifer forcing ground water to the surface.

⁷ Coyote Creek near Madrone SF #82

⁸ Coyote Creek at Edenvale SF #58

Secondly, one critical oversight of the CVSP DEIR is the upcoming implementation of the FAHCE, expected in 2007. The goal of the FAHCE agreement is to restore and maintain healthy salmonid populations in the Coyote Creek watershed. One key component of the FAHCE is that it will establish a flow regime below Anderson Reservoir with specific flow requirements during certain times of the year that will include: a) winter base flow requirements; b) pulse flows; and c) summer minimum flows (State Board, 2003). Although we understand that the proposed FAHCE flow regime is currently under review, the CVSP DEIR should evaluate project effects using a range of likely flow requirements within Coyote Creek. For example, "pulse flows" are intended goals of the agreement that will require two periods of five consecutive days of flows greater than 50 cfs within the period of February 1 to April 30. This period corresponds to the later half of the wet season when stormwater runoff is anticipated from the CVSP and the project's effects on pulse flows can clearly be investigated (i.e., modeled).

Finally, the hydromodification section also lacks discussion and technical assessment of the potential impact of nuisance flows or dry-season return flows resulting from irrigation and other urban discharges. Such flows have significant biological and geomorphic implications, potentially altering the species using a stream corridor and geometry of the channel. If the potential for nuisance flows exists, the expected volume of these flows relative to the summer base flows in Coyote and Fisher Creeks should be estimated and the impact on channel functions, values, and beneficial uses evaluated. Without this discussion, the DEIR fails to disclose all of the potential impacts of the CVSP.

5.1.2 Proposed HMP exemption #2

Under the HMP, the Board grants exemptions to projects that can prove that post-project discharges are directed to channels or segment(s) that have "the minimal potential for erosion or other impacts on beneficial uses in that segment(s) of downstream waters." Further review of the HMP clearly defines receiving channels or segments with minimal potential for erosion as "concrete-lined or significantly hardened, underground storm drains, and construction of infill projects in highly developed watersheds where the potential for single-project and/or cumulative impacts is minimal."

The CVSP DEIR classifies Coyote Creek, downstream from Fisher Creek, as a "stable channel form with a minimal risk of erosion....effects of increased runoff from CVSP is minimal and

therefore exempt from HMP.” Coyote Creek, for approximately 7.5 miles downstream of its confluence with Fisher Creek is a natural channel with the potential for the CVSP to impact or impair beneficial uses such as fisheries habitat, recreation or ground-water. The channel does not fit any of the definitions under the HMP exemption. Furthermore, the CVSP DEIR attempts to rationalize that the hydrologic impacts of the project would be insignificant on downstream channel conditions because Coyote Creek has remained dynamically stable to date, given all the land use changes incurred within the watershed. The watershed, upstream of Fisher/Coyote Creek confluence, currently is defined as rural agriculture with dispersed residential and commercial uses—a watershed with very low values of imperviousness (less than 10 percent of the total watershed). The CVSP DEIR reports that the addition of the CVSP would likely increase Fisher Creek watershed imperviousness to nearly 30 percent. Local research in the Santa Cruz Mountains has identified between 10 and 12 percent imperviousness as a threshold that, when exceeded, results in observed changes in channel form and stream function (Chartrand, 2004). Hence, the CVSP DEIR improperly interpreted the HMP exemptions and the concept of a channel with minimal potential for erosion or other impacts; and therefore, the project fails to meet an exemption under the rationale given.

CVSP project characteristics used to claim exemption to HMP requirements include a “*relocated and restored*” Fisher Creek. The CVSP DEIR attempts to interpret the RWQCB’s exemption of “a project where there is no potential for erosion” to imply a restored Fisher Creek will be a “geomorphically stable” channel with no potential for erosion. However, the CVSP DEIR fails to provide adequate information for reviewers to evaluate the restored channel design (see Sections 4.3) and its effects on flows and sediment downstream. Furthermore, the RWQCB specifically states: “Plans to restore a creek may re-introduce the applicability of HMP controls, and would need to be addressed in the project’s HMP.”

Finally, The CVSP DEIR states that “neither SFEI’s research nor independent research uncovered specific creek locations with impaired bed or bank stability.” However, the SCVWD describes channel incision and bank instability at the location of recent development identified as the Silicon Valley Boulevard Bridge (Katric, S., pers. comm., 2007).

6. CONCLUSION

Based on existing information provided by the CVSP DEIR, we have identified multiple potential environmental impacts to the Coyote Creek corridor and its associated natural resources and infrastructure. These impacts are not adequately disclosed in the DEIR, nor are they adequately addressed by the project design or mitigation measures as they are stated. Based on a thorough review of the CVSP DEIR and appendices, the DEIR must be revised with adequate information to accurately characterize the existing setting as set forth in Section 3.0 above. In addition, the DEIR must be revised to include missing information and related analysis of impacts and mitigations as discussed in Sections 4.0 and 5.0 above. Finally, Appendix A provides specific comments on the Impacts conclusions contained in the DEIR. Each of these Sections and the Appendix provide the basic information, analysis and mitigations that must be contained in the DEIR to adequately disclose the environmental impacts of the CVSP project. The comments herein are to be submitted to the City of San Jose on behalf of Santa Clara County as part of their response to the CVSP DEIR.

7. LIMITATIONS

This report was prepared in general accordance with the accepted standard of practice for initial evaluation of such sites in northern California for projects of similar scale at the time the investigations were performed. No other warranties, expressed or implied, are made.

As is customary, we note that readers should recognize that the interpretation and evaluation of factors affecting the hydrologic context of any site is a difficult and inexact art. Judgments leading to conclusions and recommendations are generally made with an incomplete knowledge of the conditions present. More extensive or extended studies can reduce the inherent uncertainties, but may delay implementation of the project.

We developed this document based on the information made available to Balance at the time of this document. New information could influence the recommendations, perhaps fundamentally. As new and updated information becomes available, the interpretations and recommendations contained in this report may warrant change.

8. REFERENCES

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APPENDIX A

Summary of CEQA Environmental Checklist for Hydrological/ Water Quality Impacts as they Relate to the CVSP DEIR

Appendix A. Summary of CEQA Environmental Checklist for Hydrological/Water Quality Impacts as they Relate to the CVSP DEIR.

CEQA Environmental Check list (Appendix G, OPR 2007) Potential Hydrological Impacts	Impacts as stated in CVSP DEIR	Preliminary Findings In CVSP DEIR	CVSP DEIR Mitigations Proposed	Balance Hydrologics Suggested Findings for CVSP	Balance Hydrologics Mitigations Proposed or Additional analysis required
<i>(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner that would result in the substantial erosion or siltation on or off site</i>	Impact II/WQ-1: The proposed project has been designed to include a flood control system that would reduce impacts associated with placing urban uses within the Fisher Creek floodplain to a less than significant level.	Less than Significant Impact	None	Potentially Significant Impacts not analyzed: An analysis of post project drainage could not be identified for the CVSP; post-project drainage along Coyote Creek, east of Monterey Highway and within the CVSP, cannot be evaluated.	The DEIR should provide written and illustrative descriptions of pre- and post-project drainage patterns. If portions of the CVSP drain directly to Coyote Creek then potential impacts to Coyote Creek such as flooding and water quality should be evaluated.
<i>(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in on or off site flooding</i>	Impact II/WQ-2: The proposed project would not result in significant flooding impacts associated with development within the Coyote Creek floodplain.	Less than Significant Impact	None	Potentially Significant Impacts not analyzed: Because the project proposes realignment and restoration of a significant tributary to Coyote Creek, the CVSP DEIR failed to evaluate data from the proper stream gage and provide data for any open channel flow model used for characterizing hydrologic conditions and the effects of the project on flooding within Coyote Creek. Evaluation of flooding excluded the period between 1988 and the present, a wet period relative to the overall record of flow. The CVSP proposes multiple new bridge crossings over Coyote Creek. The impacts of these bridges, however, are not addressed in the hydrology report as they relate to effects on channel stability or flooding. The CVSP proposes to elevate the land surface above the modeled 100-year water surface elevation of Coyote Creek, but fails to assess whether these actions will create deeper flood flows within the main	The DEIR should evaluate the effects of flooding on Coyote Creek using the stream gage Coyote Creek at Edenvale, operated by SCVWD, and run an open channel flow model appropriate to assess channel velocities, channel depths, shear stress, and other parameters used to assess channel impacts. The DEIR should include the missing period of record in its analysis. Conceptual drawings of bridge crossings should be provided as part of the DEIR so that reviewers can evaluate their potential effects on flow characteristics and flood conveyance. The DEIR should assess the potential impacts of raising land surfaces within the 100-year floodplain of Coyote Creek.

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				channel due to the loss of adjacent floodplain; and subsequently result in higher channel velocities, which, in turn, could potentially result in channel bed and bank scour.	
(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in on or off site flooding	Impact H/WQ-3: The proposed project would not result in flooding impacts downstream of the CVSP Area.	Less than Significant Impact	None	Potentially Significant Impacts not analyzed: The CVSP DEIR describes a post-project hydrograph for Coyote Creek using a gage immediately downstream of dam releases at Anderson Reservoir. Furthermore, the analysis failed to include the wet period of the mid-1990s and use a better suited gaging station with an adequate record. Coyote Creek at Edenvale is located downstream of Fisher Creek and has a suitable period of record for analysis.	The DEIR should evaluate the effects of flooding on Coyote Creek using the stream gage Coyote Creek at Edenvale, operated by SCVWD. The DEIR should include the wet period of the period of record.
(f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Impact H/WQ-2: The proposed project would not result in significant flooding impacts associated with development within the Coyote Creek floodplain	Less than Significant Impact	None	Potentially Significant Impacts not analyzed: The CVSP DEIR describes an increase of 0.8 feet above the 100-year water surface as the result of the project. Although this is less than the 1.0 foot FEMA considers a significant impact, it does not evaluate how much acreage will be inundated within the Coyote Creek Corridor, downstream of Fisher Creek. (this number may need to be revised after consideration of Impact H/WQ-2, see above)	The DEIR should assess the acreage inundation downstream to evaluate impacts to County infrastructure and public safety.
(g) Place housing within a 100-yr flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation?	Impact H/WQ-1: The proposed project has been designed to include a flood control system that would reduce impacts associated with placing urban uses within the Fisher Creek floodplain.	Less than Significant Impact	A proposed flood control system	The CVSP DEIR provides insufficient information on the flood model (HEC-1) for a technical evaluation; model input values and output data was not provided. The DEIR lacks an estimation of the pre- and post-project flood storage volume available and a verification that there is sufficient flood storage	The DEIR should provide the data used to generate the model, all assumptions, and model output so the model can be evaluated or re-run by the reviewer. The DEIR should also provide quantitative information on pre- and post-project flood storage volumes

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				in the post-project condition for Fisher Creek and the portion of Coyote Creek watershed east of Monterey Highway	to verify that they are equal.
<i>(b) Substantially deplete groundwater supplies or interfere substantially with the ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (eg. The projection rate of pre-existing nearby wells would drop to a level which would not support the existing land uses or planned uses for which permits have been granted)?</i>	Impact II/WQ-4: Through groundwater extraction, the proposed project would result in a reduction in groundwater elevations throughout the CVSP, affecting discharge to Fisher Creek and subsurface flows through the Coyote Narrows to the northern Santa Clara Valley Sub-basin. However, the project will be required by the SCVWD to recharge groundwater resources with advanced treated recycled water, as described in the Water Supply Evaluation prepared for the project (appendix L). Therefore, impacts to groundwater resources would be less than significant.	Less than Significant Impact	None	Potentially Significant Impacts not analyzed: The CVSP DEIR fails to identify locations of ground-water extraction and recharge. The project fails to evaluate the impacts of ground-water withdrawal and recharge on sustaining existing or mitigated ground-water fed wetlands.	The DEIR should include a "specific" plan to locate both the ground-water extraction areas and depths as well as locate recharge basins and segments of streams used for in-stream recharge. The project should identify the number, acreage and location of ground-water fed wetlands proposed for replacement and evaluate areas suitable for the success of mitigation at a 1:1 ratio (replacement:impact).
<i>(a) Violate any water quality standards or waste discharge requirements?</i>	Impact II/WQ-5: The proposed project would result in significant water quality impacts during construction. Implementation of the mitigation and avoidance measures identified above (MM II/WQ-5.1 through 5.3) would reduce these short-term impacts to a less than significant level.	Less than Significant Impact with Mitigation Incorporated	MM II/WQ-5.1: Prior to construction of any phase of the project, the City of San Jose shall require that the applicants prepare Stormwater Pollution Prevention Plans (SWPPPs) and submit Notices of Intent to the State Water Resources Control Board to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, The Erosion Control Plans will be required. The Erosion Control Plans shall include Best Management Practices (BMPs) as specified in the California Stormwater Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for: <ul style="list-style-type: none"> • Soil stabilization practices • Sediment control practices 	The CVSP DEIR adequately identifies construction phase impacts and provides an adequate description of mitigation measures for construction.	None

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			<ul style="list-style-type: none"> Sediment tracking control practices Wind erosion control practices and Non-stormwater management, waste management, & disposal control practices. <p>MM H/WQ-5.2: Prior to issuance of grading permits, all applicants shall be required to submit copies of the Notices of Intent and Erosion Control Plans as required by the Grading Ordinance and City policy, to the City Project Engineer, Department of Public Works. The applicants shall also be required to maintain copies of the most current SWPPPs on-site and provide copies to any City representative or inspector on demand.</p> <p>MM H/WQ-5.3: Each phase of development shall comply with the City's Grading Ordinance, including erosion-and dust-control during site preparation, and with the City's Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.</p>		
<i>(f) Otherwise substantially degrade water quality?</i>	<p>Impact H/WQ-6: The proposed project would result in the long-term degradation of the quality of existing and future water resources. Implementation of the mitigation and avoidance measures identified above (MM H/WQ-6.1 through 6.4) would reduce these long-term impacts to a less than significant level.</p>	Less than Significant Impact with Mitigation Incorporated	<p>MM H/WQ-6.1: Permanent BMPs required to be used on-site over the long-term may include, but are not limited to the following: 1) underground vaults, 2) oversized pipes, 3) vegetated filter strips, 4) vegetated swales, 5) flow-through planter boxes; 6) median filtration devices; 7) green room, 8) permeable pavements, and/or 9) other design techniques and Treatment Control Measures (TCMs) that reduce impermeable surfaces. The project applicants shall defer to the California Stormwater Quality Association's Stormwater Best Management Practice Handbook for New Development and Redevelopment (January 2003) for the design and sizing of extended detention basins. Basin depths should optimally range from two to five feet with side slopes of 4:1 (horizontal:vertical) or flatter.</p> <p>MM H/WQ-6.2: The final design of all on-site detention basins, including but not limited to</p>	<p>Potentially Significant Impacts not analyzed: The DEIR fails to include a specific plan that identifies locations and shows conceptual drawings of stormwater quality BMPs so that reviewers can evaluate their effectiveness relative to site conditions, wetlands, and treatment requirements, as well as evaluate its effects on the important channel corridor downstream from the project.</p>	<p>The DEIR should include a specific stormwater management plan that identifies locations and shows conceptual drawings of all stormwater quality BMPs so that reviewers can evaluate their effectiveness relative to site conditions, wetlands, and treatment requirements, as well as evaluate its effects on the important channel corridor downstream from the project. This plan should demonstrate that all runoff from developed areas is treated in BMPs sized and sited according to Santa Clara County NPDES C.3 requirements. In addition, the DEIR should assess whether</p>

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			<p>locations, sizes, depths, and side slopes, shall require review by the City and approval by the Directors of Planning, Building & Code Enforcement and Public Works. Detention basins and other water quality features within public street right-of-ways must first be reviewed and approved by the City and maintained by the City. This will ensure that the final design of specific development projects not only meets the requirements of City Council Policies 6-29 and 8-14, but also addresses related issues such as groundwater protection, dual use, safety, visual and aesthetic considerations, vector control, the capacity of receiving pipelines, and provisions for emergency release of water.</p> <p>MM H/WQ-6.3: To ensure all stormwater BMPs are maintained for the life of the specific developments, maintenance and monitoring plans shall be developed at the building permit stage to the satisfaction of the Director of Planning, Building & Code Enforcement. The maintenance and monitoring plans shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowner's Association(s), or equivalent, for the life of the development, to the satisfaction of the Director of Planning, Building & Code Enforcement.</p> <p>MM H/WQ-6.4: Maintenance techniques listed in Landscape Maintenance Techniques for Pest Reduction (prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program) shall be utilized. This will minimize the amount of pesticides that will be contained in stormwater runoff by restricting the types and amounts of pesticides used.</p>	<p>The CVSP project will impact at least 93 percent of existing wetlands. The Corps of Engineers Regulatory Section ("Corps") and the San Francisco Bay Regional Water Quality Control Board ("Regional Board") or RWQCB may evaluate this impact as substantial and require further evaluation on project strategies and/or design alternative. In addition, the DEIR fails to identify the location, type, and hydrologic support to sustain the mitigation wetlands, as well as how the existing, non-impacted wetlands will hydrologically function after project implementation. Furthermore, an assessment of the impacted wetlands' functions and values is necessary to evaluate the potential for success of mitigation at a proposed 1:1 ratio (replacement:impact). Reduction of wetland acreage can have a cumulative effect on major watershed functions within Coyote Creek such as general water quality improvement, flood water retention, and habitats that avoid more of the impacts.</p> <p>The DEIR describes a 100-foot setback for Coyote Creek but fails to provide a hydrologic or biological rationale</p>	<p>proposed BMPs may impact temperatures in receiving waters.</p> <p>The DEIR should include a assessment of existing wetlands, conceptual drawings of mitigation wetlands, the hydrologic rationale for their design, and an assessment of the cumulative impacts of wetland mitigation on Coyote Creek watershed functions.</p> <p>The DEIR should provide supporting evidence for the decision to limit the Coyote Creek setback to 100 feet.</p>

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<i>(f) Otherwise substantially degrade water quality?</i>	Impact H/WQ-7: The proposed project includes the recharge of groundwater which will preclude the intrusion of perchlorate from the Llagas Sub-basin into the Coyote Valley Sub-basin	Less than Significant Impact		<div>This topic was beyond the scope of work for this review</div>	
<i>(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner that would result in the substantial erosion or siltation on or off site?</i>	Impact H/WQ-8: The proposed project would not increase erosion or cause other adverse effects associated with post-project discharges into Fisher Creek.	Less than Significant Impact		Potentially Significant Impacts not analyzed: The CVSP DEIR fails to: a) describe specific details on the historical condition it wishes to "restore", b) provide conceptual cross-sections and channel planform designs, c) identify existing and future stream functions and values, and d) adhere to guidelines for stream re-naturalization projects developed by the Regional Water Quality Control Board ("Regional Board" or RWQCB), as outlined in Riley 1998, 2003). The DEIR also does not describe a maintenance and monitoring program for the channel which may identify and outline an adaptive management approach to address erosion or adverse effects.	The DEIR should a) describe specific details on the historical condition it wishes to "restore", b) provide conceptual cross-sections and channel planform designs, c) identify existing and future stream functions and values, and d) adhere to guidelines for stream re-naturalization projects developed by the Regional Water Quality Control Board ("Regional Board" or RWQCB), as outlined in Riley 1998, 2003), c) describe the details of the Stream Maintenance and Monitoring Program.
<i>(e) create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff</i>	Impact H/WQ-9: According to the requirements of the SCVURPPP HMP, the proposed project would exceed the threshold for changes to the flow-duration curve for Coyote Creek downstream of its confluence with Fisher Creek. Stormwater treatment basins proposed for the CVSP Area for water quality impacts shall be used for HMP purposes to the extent possible (MM H/WQ 9.1 and 9.2). The proposed project will be required to make a fair share contribution towards creek stability projects identified by the SCVWD.	Less than Significant Impact	MM H/WQ-9.1: Consolidated regional stormwater detention basins proposed for the CVSP Area for water quality impacts shall be used for HMP purposes to the extent possible. MM H/WQ-9.2: A reach of Coyote Creek that may be threatened by changes in the low flow regime as a result of the CVSP development has been identified by the SCVWD near Silicon Valley Boulevard. The proposed project shall be required to make a fair share contribution, in-lieu of on-site water quality mitigation, toward identified creek stability projects prior to implementation of the CVSP.	Potentially Significant Impacts not analyzed: The CVSP DEIR fails to develop a Hydromodification Plan (HMP) for the project, a requirement under SCVURPPP. The project claims exemption; but proposes a dual use of stormwater detention basins for flood control and HMP without evaluation of future proposed conditions (e.g., FAHCE agreement) within Coyote Creek. The SCVURPPP HMP list of exemptions does not support the CVSP project's rationale for exemption.	The DEIR should include the development and execution of an independent model, evaluation of the Coyote Creek flow regime under FAHCE, evaluation of long-term data using the SCVWD stream gage on Coyote Creek at Edenvale, and a technical analysis of CVSP's proposed BMPs and their effectiveness as runoff controls. The DEIR should identify mitigation measures that will be implemented should the assumption that "the restored Fisher Creek will

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				The CVSP DEIR fails to use the appropriate information to meet HMP exemptions or misinterprets HMP definitions <i>(See comments under CEQA Checklist d)</i>	be stable" proves incorrect.
(f) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or a dam?	Impact H/WQ-10: The failure of Anderson Dam is considered extremely remote; therefore, impacts associated with dam failure would be less than significant.	Less than Significant Impact		<i>(See comments under CEQA Checklist d)</i>	<i>(See comments under CEQA Checklist d)</i>
(g) Inundation by seiche, tsunami, or mudflow?	Impact H/WQ-11: The probability of a seiche, tsunami, or mudflow affecting the Coyote Valley is considered remote; therefore, impacts associated with these seismically-induced natural occurrences would be less than significant.	Less than Significant Impact		None	None

APPENDIX B

**Existing and Historical Hydrological Conditions of the Coyote
Creek Parkway, Santa Clara, California
Hastings and Porter (Balance Hydrologics), 2005**

**Existing and Historical Hydrologic Conditions
of the Coyote Creek Parkway, Santa Clara
County, California**

Letter report prepared for:
Santa Clara County Department of Parks and Recreation

Prepared by:
Brian Hastings
Stacey Porter

Balance Hydrologics, Inc.

May 2005

Balance Hydrologics, Inc.

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Existing and Historical Hydrologic Conditions of the Coyote Creek Parkway,
Santa Clara County, California

Balance Project Assignment 204067

by

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Geomorphologist/Hydrologist

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Geomorphologist/Hydrologist

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1. INTRODUCTION

1.1 Location and Purpose

The Coyote Creek Parkway ("Parkway") represents a unique regional park because it consists of 16 continuous miles of creek and riparian habitat within a highly urbanized setting. The Parkway serves an important role in managing and preserving the natural resources associated with the Coyote Creek watershed, while also providing the public with an educational and enjoyable place to recreate. The Coyote Creek Parkway is located in the middle Coyote Creek watershed downstream from the Anderson Reservoir in central Santa Clara County (see Figure 1). The Parkway is a linear conglomerate of several County parks (e.g. Hellyer County Park, Metcalf Park, Coyote Creek Park, Anderson Lake County Park) that are linked together by a multi-use trail system with Coyote Creek serving as the common feature throughout.

As a component of the Natural Resource Management Plan and Master Plan (the Integrated Plan), this report describes baseline conditions and explores the functions and values of the Parkway, with regard to hydrology and geomorphology. Prior to the development of the Integrated Plan three different levels of decision-making will occur: 1) a cohesive set of guiding goals and objectives will be identified for the Parkway, 2) a set of criteria will be established and applied to program proposals to determine inclusion into the Parkway, and 3) a classification system that identifies natural resource, recreation, and historical units will be applied to the Parkway. Information on the hydrologic and geomorphic conditions of the Parkway will guide all three levels of decision-making that will occur during the development of the Integrated Plan.

1.2 Regulatory Setting

A Coyote Creek Integrated Plan will provide guidance and information for current and future natural resources planning for the Coyote Creek Parkway. The plan is being developed by the Santa Clara County Parks and Recreation Department, which will look to the plan to direct its programs and policies for the entire Parkway. If changes are proposed within the Parkway there are several local, state, and federal regulatory bodies that would direct protection, permits, and processes associated with a water resource. The regulatory agencies, listed below, may only pertain to guidelines and permits associated with hydrologic resources. It may be necessary to consult with additional agencies.

The Santa Clara Valley Water District (SCVWD) is an independent district responsible for water supply, flood protection, and watershed management in Santa Clara County, California. Governed by a seven-member board of directors, the SCVWD's mission is to provide high quality water, and to manage flood and storm waters along the county's 700 miles of creeks and rivers in an environmentally sensitive manner. The SCVWD operates Anderson and Coyote Reservoirs as well as several ground-water recharge facilities within the Parkway. Recently, the SCVWD has begun implementing many programs within the Coyote Creek Watershed to improve habitat and water quality conditions.

San Francisco Regional Water Quality Board ('Regional Board' and recently renamed the San Francisco Bay Water Board). The Clean Water Act (CWA), Section 401, requires that an applicant pursuing a federal permit to conduct any activity that may result in discharge of a pollutant obtain a water quality certification or waiver. The certification requires the evaluation of water quality considerations associated with dredging or placement of fill materials into *waters of the United States*¹. In California, certifications or waivers are issued by one of nine Regional Water Quality Boards (Regional Board) with jurisdiction over the permitting area. Coyote Valley and the Parkway fall under the jurisdiction of the San Francisco Regional Water Quality Board (SFRWQB).

In April 2003, the Regional Board revised stream restoration guidelines emphasizing "the concepts and processes for the avoidance and minimization of impacts to aquatic ecosystems" using geomorphic principles. Proposed or future channel improvements, relocation, enhancement and/or restoration designs should consider these guidelines.

United States Army Corps of Engineers (USACE). In addition to Section 401 of the CWA, Section 404---regulated by the USACE---requires a permit for the placement of clean fill materials into waters of the United States. A water quality certification or waiver from the SFRWQB is required before the proposed activity can be permitted by the USACE.

Federal Emergency Management Agency (FEMA). FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations by limiting development within floodplains. FEMA flood maps are available for the Coyote Valley and updated to 1998. Executive Order 11988 (Floodplain Management) addresses floodplain issues related to public safety, conservation and economics.

¹ Waters of the United States applies to surface waters, rivers, lakes, estuaries, coastal waters, and wetlands.

The order generally requires all federal agencies proposing to construct, permit, or fund development activities to: a) avoid incompatible floodplain development; b) be consistent with the standards and criteria of the NFIP; and c) restore and preserve the natural and beneficial floodplain values.

California Department of Fish and Game (CDF&G) CDF&G regulates streambed alterations, including release of materials into stream. A streambed alteration agreement (SAA) will be required for any work within a creek or stream and its floodplain. An SAA would be required for work within Coyote Creek, its tributaries and/or floodplain.

1.3 Work Reviewed

Balance Hydrologics reviewed multiple historical and current documents describing hydrologic and hydrogeologic characteristics of the Coyote Creek Parkway and interviewed several SCVWD technical staff. A full list of cited work is located in Section 7. Below, we list a few of the important documents/data we utilized for this report:

- Fisheries and Aquatic Habitat Collaborative Effort: Summary Report, multi-agency fisheries plan for Coyote Creek, Stevens Creek and Guadalupe River in Santa Clara County.
- Santa Clara Valley Water District
 - Coyote Watershed Stream Stewardship Plan
 - Stream Classification for Coyote Creek Watershed
 - Draft Stream Maintenance Program
 - Assessment of Stream Ecosystem Functions for the Coyote Creek Watershed
 - Hydrogeology of the Santa Clara and Coyote Valleys Groundwater Basins
- United States Geological Survey, Coyote Creek gaging station near Madrone

1.4 Acknowledgments

This report was made possible with the help of many individuals associated with local agencies and organizations. Among the many individuals Balance staff would like to thank include Brian O'Mara (SCVWD), who provided an understanding of existing and historical dam operations at Anderson Reservoir. Historical flow records for Coyote Creek were provided by Ken Stumpf, Joe Aguilera, Mark Merritt, and Wendy Chang (SCVWD). Kevin Sibley (SCVWD)

made available important Coyote Creek documents and Caltrans test boring information for California HWY 101 near Coyote Creek. Jeff Micko (SCVWD) offered information about the history and operations of the SCVWD's ground-water recharge facilities. Mark Merritt and Elizabeth Hayse (SCVWD) sent us GIS layers and shapefiles pertaining to designated 100-year flood elevations and maps for Coyote Creek. Robin Grossinger with the San Francisco Estuary Institute (SFEI) hopes to provide the SCVWD and Balance with geo-rectified historical aerial photographs and maps in the near future. The comparison of these documents may provide valuable insight into historical channel changes within the Parkway.

2. PHYSICAL SETTING

2.1 Climate

The climate of Santa Clara County is considered Mediterranean with the majority its annual rainfall between the months of October and April. Annual precipitation averages about 14.5 inches in downtown San Jose (Western Regional Climate Center, 2005) increasing to near 17 inches in Coyote Valley and more than 30 inches over the Diablo Range to the east (Saah and Nahn, 1998). The Santa Cruz Mountains exert a rain shadow over the Santa Clara Valley with most easterly moving storm events. Temperatures are relatively mild year round with a moderating influence by the Pacific Ocean to the west although summer temperatures can reach near 100 F. During the winter months, frosts can occur, especially along the streams.

Figure 2 presents historical, annual precipitation for a 55-year period of record in San Jose, California, approximately 20 miles northwest of Anderson Reservoir. Water years² with above and below average precipitation are easily detectable from the graph. In water year 1983, 29.7 inches still holds as the highest precipitation on record; in water year 1998, 28.4 inches was recorded; whereas, water year 1995 recorded 23.6 inches. It is important to note that a record monthly precipitation of 8.66 inches was recorded in January 1995; whereas 6.80 inches fell in January 1997—notable flood years in Coyote Valley. Water years with significantly below average precipitation included 1960 (8.39 inches), 1972 (6.85 inches), 1976 (6.67 inches), 1977 (7.90 inches), and 1987 through 1991 (6.78 to 11.64 inches).

2.2 Current and Historical Land Use

The following timeline describes some of the major land use and construction activities that changed the Coyote Creek landscape from the mid 1800's to the present. It also provides the background for the establishment of the Coyote Creek Parkway and possible future influences.

Mid-1800's to 1950's: The fertile land adjacent to Coyote Creek started to become utilized in the mid 1800's for agricultural production of fruit orchards and some grain crops. Orchards quickly became the dominant land use along the Coyote Creek corridor and boomed in the 1930's to 1950's, prior to significant urbanization and competition with other land uses. Some of these early orchards remain on the landscape today. As agricultural activities in the Coyote

² Most hydrologic and geomorphic monitoring occurs for a period defined as a water year, which begins on October 1 and ends on September 30 of the named year. For example, water year 2005 began on October 1, 2004 and ends on September 30, 2005.

Creek watershed increased, water began to be pumped from the ground water basin. Also, small canals and ditches were built to divert some surface waters.

1932: The Coyote Percolation Dam and Coyote Percolation Pond were constructed in 1932 by the Water Conservation District (an early precursor to the Santa Clara Valley Water District) to recharge the Santa Clara Valley ground-water basin, which was an important source of irrigation water for farmers downstream. This percolation pond was the first in-stream pond constructed in Coyote Creek and is still managed today by the Santa Clara Valley Water District. The Coyote Percolation Dam is located approximately 2,000 feet downstream of Metcalf Road and marks the boundary between the Coyote Valley ground-water subbasin and the Santa Clara Valley ground-water basin.

1936: The Coyote Reservoir and Dam were constructed by the Water Conservation District in 1936 as part of a basin-wide effort to increase ground water recharge to major aquifers. During the mid-1930's, the Coyote Reservoir was one of six reservoirs constructed in Santa Clara County. It is still in operation today and the Santa Clara Valley Water District manages it in tandem with the Anderson Reservoir.

1939: The Coyote Canal and associated Coyote Diversion were constructed in 1939 to transport controlled releases from the Coyote Reservoir to the Coyote Percolation Pond without flooding the orchards located in the Coyote Valley ground-water subbasin (downstream from the Coyote Reservoir to the Coyote Narrows) that were subject to very shallow ground water. Water released from the Coyote Reservoir was diverted into the Coyote Canal, which flowed along the east edge of the valley instead of down the main stem of Coyote Creek. The Coyote Diversion is located approximately two miles downstream from the current location of Anderson Reservoir and re-enters Coyote Creek near Metcalf Road upstream from the Coyote Percolation Pond. Currently, the Coyote Canal is in disrepair and is no longer used. However, it is possible that the canal may be repaired and used again in the future.

1950: As the Santa Clara Valley grew in population during the 1940's and 1950's, the need for adequate water supply increased. In response to this growing urbanization and water demand, a second reservoir was constructed at the headwaters of Coyote Creek by the Water Conservation District in 1950 for water supply purposes. The Anderson Reservoir and Dam are located downstream from the older Coyote Reservoir and upstream from the Coyote Diversion. The purpose of the reservoir was multi-fold; drinking water is directly stored in the reservoir and water is also released into creek and percolation pond system for ground water

recharge. An incidental benefit of the dam is flood protection, but this was not the primary goal.

Late 1950's / early 1960's: Construction and operation of in-stream and floodplain gravel mines occurred along the Coyote Creek corridor sometime around the late 1950's to early 1960's. Most of these quarries have since been abandoned and have now become warm-water ponds. One of the larger complexes of abandoned quarry ponds, the Ogier Ponds, is located downstream from the Anderson Reservoir and upstream from the Coyote Creek Golf Course. Coyote Creek actually flows through several ponds in the Ogier Pond complex since a berm was eroded during a large storm event in 1997.

1969: The "Coyote River Policy Statement" was approved by Santa Clara County and the City of San Jose in 1969. This policy was a result of the County and City acquiring lands along Coyote Creek and proposed a vision of a park that stretched several miles along the creek corridor. An initial Coyote Creek Master Plan was completed in 1972 as an outcome of the "Coyote River Policy Statement." The Master Plan guided the creation and management of the Coyote Creek Parkway, which now has a continuous trail for 16 miles of the creek. This report will assist in the development of a new Master Plan that incorporates and emphasizes the natural resources of the Parkway.

Future: The FAHCE agreement was written in 1997 as part of a settlement between the Santa Clara Valley Water District (SCVWD) and the Guadalupe-Coyote Resource Conservation District, Trout Unlimited and the Pacific Coast Federation of Fisherman's Association. The FAHCE agreement has multiple implications for the Parkway because one of the three watersheds chosen by the California Department of Fish and Game and SCVWD to be a focus of restoration efforts is Coyote Creek. The goals of the planned restoration will be to restore and maintain healthy salmonid populations in the Coyote Creek watershed, with a specific coldwater management zone identified from the Anderson Dam downstream to the Coyote Creek Golf Course. The FAHCE agreement will be implemented by 2007 (Ramona Ramstead, pers. communication).

2.3 Geology and Soils

2.3.1 Summary of regional and local geology

The Santa Clara Valley is a part of the northwesterly trending, intermountain San Francisco Bay depression—a large structural trough created by downwarping of the geologic features to the valley's east and west. The Valley or trough is flanked by the San Andreas Fault along the western edge and the Hayward fault along the eastern edge (Iwamura, 1995). Unconsolidated alluvial sediments washed in from the Santa Cruz Mountains to the west and the Diablo Range to the east during the Pleistocene-Holocene to fill the valley. The accumulated alluvial fill within the valley constitutes the groundwater basin (Iwamura, 1995). Erosion resistant ultramafic rocks, part of the Coast Range Ophiolite, underlie much of Coyote Creek Valley and comprise the Diablo Range foothills. These rocks are visible as outcrops near Anderson Dam. Valley alluvium submerges these rocks downstream of the dam, but bedrock resurfaces near Parkway Lakes constricting the valley's width and depth, at a point known as Coyote Narrows. Large fan deposits originate from the Diablo Range foothills and splay into the Coyote Creek Valley. Coyote Creek continues to excavate the toes of these fan deposits adding to the coarse nature of the unconsolidated channel deposits through the Parkway. Figure 3 illustrates the geologic units of the Parkway.

2.3.2 Soil types and characteristics

Soils are described between Anderson Reservoir downstream to Coyote Ranch in the soil survey of the Eastern Santa Clara County (Lindsey, 1974). Downstream of Coyote Ranch, soil information is only available from an older University of California Extension soil survey (Weir and Storie, 1947). For the purposes of this document, soils are described starting with the active creek channel and then moving outward, or laterally, across valley floor. Table 1 provides additional soil information, including permeability rates. Figure 4 maps the soil units of the Parkway.

Channel environment (active channel corridor). The immediate channel environment is composed of loose coarse-grained material (riverwash) including sand, gravels, and cobbles. These materials are subject to movement by high flows. These materials have high permeability rates, and are often used for percolation ponds. Vegetation on these soils is limited to willows, sycamore and oak trees, with some perennial and annual grasses.

Channel benches (active floodplain). Channel benches and areas of overbank deposits are composed of a loam (Garretson Series) or gravelly loam (Cortina Series). The Garretson loams

have a substratum of sandy loam down to 40 inches. Stratified sand and gravels or gravelly loam is common to a depth of 60 inches or more (Lindsey, 1974). The Cortina Series gravelly loams contain a greater percentage of gravels throughout its depth. Under a natural flow regime, the Cortina gravelly loams were subject to flooding, washout, or channeling about three times every 10 years (Lindsey, 1974) because of their non-cohesive, coarse structure. This soil structure also limits root density and fertility, but provides for rapid infiltration and permeabilities (<20 inches per hour).

Channel terraces (former floodplain). The soils east and above the floodplain occupy serpentine or ultramafic alluvial fan deposits. The soils are typically clays with high shrink-swell properties—generating deep cracks in dry periods. An unfavorable calcium-magnesium ratio available to plants from these soils results in a distinctive vegetation adapted to these specialized conditions.

The soils to the west of the Coyote Creek channel corridor occupy a flat alluvial plain. They are typically comprised of the Yolo Series silty clay loams. Large housing and commercial developments occupy these areas (only downstream of the Coyote Narrows), but also are the most agriculturally productive (Lindsey, 1974). The Pleasanton loam also occupies old river terraces and fans along the western area of the Parkway. Because these soils have a larger percentage of silts and clays, their permeability is much slower than the near-channel soils.

2.4 Geomorphology

2.4.1 Current and historical channel planform

Balance examined available aerial photographs (1939 and 2003), topographic maps, and other resources to understand the characteristics of Coyote Creek and its floodplain. Although the 1939 historical aerial photographs showed a landscape that had already been altered by the Coyote Reservoir, Coyote Canal, and multiple orchards, it is still possible to utilize these old aerials to characterize pre-dam and agriculture conditions.

Historically, the Coyote Creek channel appears braided³, as there are several channel “scars” that can be observed on the floodplain in the 1939 aerial photograph, which suggests that the channel was very active and migrated laterally across the floodplain in the past.

³ A braided channel is a stream flowing in several dividing and reuniting channels, common in systems with excessive sediment supply composed of unconsolidated materials.

The historical active floodplain of Coyote Creek downstream from the Anderson Dam ranged in width anywhere from 500 to 3,000 feet based on analyses of aerial photographs, topographic maps, and 100-year flood mapping, also suggesting a very active channel. The floodplain was narrowest just downstream from the Anderson Dam due to steep slopes and was the widest in the area that is now occupied by the Ogier Ponds. The floodplain also narrowed both upstream and downstream from Metcalf Road where several hills confined the channel.

At present, the active Coyote Creek floodplain has been reduced in size due to several factors. Urbanization and the construction of levees have confined the channel in many of the lower sub-reaches of the Parkway. Also, since the construction of the dams, the channel does not migrate across the floodplain as frequently as when flows were unregulated.

The San Francisco Estuary Institute (SFEI) is currently collecting information and conducting analyses to evaluate channel change between 1905 and today. Future collaboration with SFEI will provide valuable information on historical channel change that may be useful to the Integrated Plan.

2.4.2 Channel bed material

Channel materials and their characteristics are important for channel maintenance, restoration and enhancement planning. Balance staff examined channel conditions and channel substrate properties from earlier field work conducted in the Parkway (Chartrand and Ballman, 2002) and available borings in or near the channel (Boddie, P.J., and Schmoll, M.E., 1998, Dept. of Public Works, City of San Jose, 1995).

Chartrand and Ballman (2002) characterized two Coyote Creek riffles: one approximately one mile downstream of Anderson Reservoir, and another immediately upstream of Ogier Ponds. Visual estimates of the 50th percentile⁴ grain size of channel bed material for riffles at each location ranged from coarse pebbles to small cobbles (16 to 128 mm). Estimates of embeddedness—the percentage of larger particles buried by fine sediment, ranged from 5 to 20 percent.

Geotechnical borings completed at the Silicon Valley Boulevard Bridge crossing to Coyote Creek near Hellyer County Park indicate channel substrate in the near-channel environment (Boring B-2). Depths to 11.5 feet are characterized as gravels with sand with occasional interbeds of

⁴ 50th percentile is defined as the median grain size or 50% of the particles are larger and 50% of the particles are smaller than that indicated.

cobbles six-inches in diameter. Relative density of these deposits ranged from medium to very dense. Stiff or hard clays were encountered at depths. Boddie and Schmoll (1998) describe borings completed to a depth of 11 feet near the margins of the “low flow portion” of Coyote Creek. Soft and medium density clays were found, interbedded with lenses and layers of loose sands, gravels, cobbles with organic material. These characteristics may not be typical of other channel reaches but, in general, is typical of Coyote Valley deposits as described by Lindsey (1974).

2.4.3 In- stream gravel mining

Several open pit quarries, also known as the Ogier Ponds, were operated in the Coyote Creek floodplain between the late 1950's to the early 1990's. The operation included both in- and near-stream sand and gravel quarrying. Reportedly, the operation caused changes in stream elevations and morphology through the reach throughout its operation. In 1997, a January flood breached the natural levee between the main channel and the Ogier Ponds. A large pond captured the main channel and re-routed a short segment of channel visible on recent aerial photographs (Figure 5). Reportedly, this has induced changes in local channel elevation, sediment transport processes, stream temperature and habitat.

2.5 **Surface Hydrology**

2.5.1 Surface water drainage

The Coyote Creek Parkway is a 16-mile reach within the larger Coyote Creek watershed. The Coyote Creek watershed encompasses over 320 square miles and is the largest watershed in the Santa Clara basin. Coyote Creek originates in the foothills of the Diablo Range and flows northwest 42 miles before entering the San Francisco Bay. There are two major dams in the Coyote Creek watershed: Coyote Reservoir and Anderson Reservoir. Both reservoirs are located upstream of the Parkway and operate in tandem for purposes of ground-water recharge, flood control, water supply, and recreation and wildlife. Tributaries to Coyote Creek within the Coyote Creek Parkway include Fisher Creek, Metcalf Creek, and several minor unnamed ephemeral tributaries. Coyote Canal is an earthen channel constructed within the Parkway and diverts flows from Coyote Creek 2.0 miles downstream of Anderson Dam and re-enters Coyote Creek near Metcalf Road.

Historically, Coyote Creek and its associated floodplain occupied much of the Laguna Seca area—a large alluvial plain primarily drained by the Fisher Creek tributary. Laguna Seca normally received overbank deposits from both Coyote and Fisher Creeks and included many

wetland or marsh areas. Land use changes in the Valley began to manage water resources within the valley to alter the hydrology of Laguna Seca. The construction of the Southern Pacific Railroad through the center of Coyote Valley now acts as a levee between Coyote and Fisher Creeks. Additional development in the Laguna Seca sought to engineer and artificially drain the area.

A gaging station, operated by the USGS, yielded 100 years of mean daily flow data. The gaging station, known as Coyote Creek near Madrone or Station 82 is located on Coyote Creek downstream from Anderson Dam and immediately upstream from the Coyote Canal. Figure 6 illustrates the 100-year hydrograph.

2.5.2 Coyote and Anderson Reservoir operations

Coyote Creek Watershed, above Hellyer County Park, includes two reservoirs: Coyote and Anderson. The reservoirs are operated by the SCVWD and serve to recharge ground water in the Santa Clara Valley. Secondly, they serve functions of water supply, flood control, and recreation and wildlife habitat.

2.5.2.1 Historic dam operations 1930s-1990s

Regulation of waters in Coyote Creek began in 1936 with the construction of the Coyote Reservoir and Dam. The original purpose of the Coyote Reservoir was to release controlled flows down Coyote Creek to assist with ground water recharge downstream from Metcalf Road (the Santa Clara Valley ground-water basin).

The construction of the Coyote Canal and diversion structure followed shortly afterwards in 1939. The Coyote Canal was constructed as a reaction to the Coyote Reservoir because orchards located downstream from the reservoir and upstream from the Coyote Narrows were being flooded due to increases in the already shallow ground-water table. Therefore, Coyote Canal was built to convey flows to the Coyote Percolation Pond (near Metcalf Road) via a route that bypassed the main stem of Coyote Creek and that followed the eastern edge of Coyote Valley (K. Sibley, personal communication). Between 1950 and the late 1990s, the diversion of Coyote Creek flow via Coyote Canal frequently resulted in a “dry” creek between Coyote Creek Golf Course and Metcalf Park year round. Recently, the SCVWD has discontinued use of Coyote Canal for safety and maintenance concerns. (B. O’Mara, personal communication).

In 1950, Anderson Reservoir was constructed and operated in conjunction with Coyote Reservoir primarily to manage ground-water recharge in the watershed, but the reservoirs also function as flood-control facilities. The construction and operation of both the Coyote and Anderson Reservoirs have regulated downstream flow. Regulated rivers often exhibit a different flow regime relative to unregulated rivers. Reservoirs absorb runoff and peak flows from the upper watershed and release flows periodically to accommodate subsequent rainfall-runoff events. The releases rarely mimic the timing or magnitude of natural flows. Figure 6 illustrates the last 100 years of mean daily flows for Coyote Creek downstream of Anderson Dam. The hydrograph indicates clear changes in flow patterns as the result of Dam construction and reservoir operations. Additional effects of flow regulation on hydrology and geomorphology are discussed in the sections below.

2.5.2.2 Current and projected dam operations 1990s-future

Under the Fisheries and Habitat Collaboration Effort (FAHCE) Agreement with California Department of Fish and Game (CDF&G) (described in Section 2.2), the SCVWD is authorized to release flows to maintain a wet channel below Anderson Reservoir to Metcalf Park. Flows are dependent on the existing conditions (i.e., reservoir storage, rainfall, safety) but are required to follow the following criteria:

- **Winter base flows** (Nov. 1 – April 30)—26 cfs or flow required to recharge will be released at Anderson Dam and allowed to bypass any diversion by the Coyote Canal. Releases are based on storage requirements in Anderson/Coyote Reservoirs
- **Pulse flows** (Feb. 1 – April 30)—two periods of five consecutive days of flows greater than 50 cfs.
- **Summer coldwater flows** (May 1 – Oct. 31)—flow released at a rate sufficient to maintain a continuous flow of water with a temperature less than 18 degrees C in the coldwater management zone⁵ and a minimum flow of 1 cfs at the Coyote Creek Golf Course entrance.

Anderson Reservoir also functions as a flood-control operation and the above flow-related goals of the FACHE can only be met if the reservoir storage criteria are met. These criteria are required for flood control and water supply needs. Reservoir releases are subject to current rainfall conditions and available storage and therefore, vary in release rates. A maximum non-storm release would convey 550 cubic feet per second immediately downstream of Anderson

⁵ Under the FAHCE, the cold water management zone is defined as the reach beginning at Anderson Dam downstream to the Coyote Creek Golf Course entrance.

Dam (B. O'Mara, personal communication). However, in multiple years since the construction of the reservoir, the dam has overspilled, resulting in peak flows over 5,000 cfs.

Coyote Creek often exhibits characteristics of a "losing" channel within portions of the Parkway—water in the channel tends to sink into the valley fill. This is a result of the high soil infiltration and permeability properties along the valley. As a result, some reaches become intermittent during the dry season or dry years. California Department of Fish and Game (CDFG) recognize these constraints and under a Memorandum of Understanding (MOU) with the SCVWD, and allow the creek to become intermittent or dry within a fixed reach. This reach is identified between Coyote Road Crossing at Fonick Road downstream to California HWY 101 near Hellyer County Park.

2.5.2.3 Effects of Anderson Reservoir operations on hydrology

Figure 7 presents a comparison of flow duration curves for Coyote Creek below Anderson Reservoir: a) unregulated record of flow (pre-dam), and b) a regulated record of flow (post-dam). The comparison indicates two major points regarding the current regulated Coyote Creek below Anderson Reservoir, Coyote Creek, within the Parkway, experiences:

- A limited range of flows most of the time;
- 85 percent of the time flows equal or exceed 10 cfs, whereas prior to the construction of Anderson Dam, 85 percent of the time flows equaled or exceeded 0.6 cfs.
- Only 5 percent of the time does flow equal or exceed 100 cfs, whereas, prior to the construction of Anderson Dam, flow equaled or exceeded 100 cfs 11 percent of the time.
- A reduced frequency of peak flows.
- Approximately nine (9) storm events have generated conditions causing flow to spill over the dam spillways.

2.5.2.4 Effects of Anderson Reservoir operations on geomorphology

The reservoir also captures sediment behind the dam. These changes in the sediment supply and flow regime have significant consequences for channel geomorphology:

- The active channel dimensions (depth, width) may be the result of the limited range of flows or a high frequency of a low magnitude flow. In other words, the present day channel may be smaller and less dynamic than historical channel geomorphology;
- A reduced frequency of larger flows likely limits sediment and nutrient transport downstream.
- A channel that experiences fewer or lower magnitude peak flows may experience an increase in channel roughness. Vegetation adapts quickly to manipulated water conditions, encroaching on the active channel. When a peak flow occurs (i.e., dam overflow, 1997), flood elevations likely increase as well as entrain large woody debris to the channel.

2.5.2.5 Flooding

Flooding in the Coyote Valley has been documented since the USGS installed the Coyote Creek gaging station at Madrone (1.2 miles downstream of the existing Anderson Dam) in 1903. Based on available data from the USGS gage, Coyote Creek experienced more frequent floods with much greater magnitudes of flow when compared to post-dam records of flow. Table 2 provides a record of peak flows within the period of record for Coyote Creek downstream of Anderson Dam. Ranking the 14 peak flows in the last 100 years indicates that seven greatest peak flows occurred prior to construction and operation of Coyote/ Anderson Reservoirs. Anderson and Coyote Reservoirs greatly reduced mean daily and peak flows after 1950. Natural or pre-dam floods are 3 to 4 times greater in magnitude when compared to flood occurring after the construction of Coyote and Anderson Reservoirs.

Nevertheless, record rainfall years in 1958, 1969, 1982, 1983, 1995, and 1997 produced flows in Coyote Creek that overtopped the spillway of Anderson Dam. Floods in the past 50 years continue to have an impact on the Parkway and play important roles in the functions of the Parkway. The USACE and Federal Emergency Management Agency (FEMA) have identified flood prone areas within the valley since the 1950s (SCVWD, 1998, USACE, 1970). An updated 100-year floodplain map for the Coyote Creek Parkway is provided in Figure 8. It is clear from the map that Parkway resources may be affected under historical and predicted flood flows. At this time, we do not have information on what discharge equates to the mapped 100-year flood elevations illustrated in Figure 8. We are in the process of obtaining this information with the Santa Clara Valley Water District. Also, additional information may be required to assess a reasonable recurrence interval flood for planning purposes (i.e., 25, 50-year flood).

2.5.3 Water quality

Ground-water quality tends to reflect characteristics of the recharging surface waters because of the high infiltration and connectivity properties of the valley alluvium. Waters emanating from the Diablo Range are typically low in salts, but generally increase with distance downstream. In November 2004, Balance hydrologists measured specific conductance (a measure of dissolved salts) in several creek locations within the Parkway. Results ranged from 450 umhos/cm to 575 umhos/cm at 25°C, categorized as non-saline waters. These observations appear consistent with other measurements recorded in the larger Coyote Creek Watershed (Owens and others, 2003). Salt concentrations may increase in the summer months because of low flows or concentration of irrigation and urban runoff; whereas, storm flows likely dilute or lower salt concentrations.

Coyote Creek is listed as impaired from high levels of diazinon—a pesticide. (SCVTA, 2005). SCVWC reported ground-water quality within the Coyote Valley ground-water subbasin in 1997-2000 and again in 2001 (Reymers and Hemmeter, 2001, 2002). Analyses included standard general minerals and nutrients or constituents required for testing under California drinking water standards⁶. Nitrate was the single constituent that exceeded California drinking water standards and agricultural objectives⁷. Sources of nitrate may include natural sources, irrigation runoff, and underground septic tanks. Given that agriculture is the dominant land-use in Coyote Valley, management of a continuous riparian Parkway may incorporate best management practices to reduce non-point pollution.

2.6 Hydrogeology

Coyote Valley is an extension of the Santa Clara ground-water basin and is commonly referred to as the Coyote Valley ground-water subbasin. The Coyote Narrows divides the Coyote Valley ground-water subbasin from the Santa Clara Valley ground-water basin. Characteristics of the basin and subbasin differ.

The Coyote Valley ground-water subbasin is composed of unconsolidated, young alluvial fill to a maximum depth of nearly 500 feet. The subbasin is bounded by bedrock of the Diablo Range on its eastern boundary and bedrock of the Santa Cruz Mountains on its western boundary. Runoff, primarily originating from the Diablo Range foothills, recharges the unconfined aquifer

⁶ Drinking water standards: Maximum contaminant levels (MCL), Title 22, California Code of Regulations.

⁷ Agricultural objective: San Francisco Regional Water Quality Board directive.

from channel bed infiltration and overbank flooding. Bedrock constricts the subbasin at Coyote Narrows and transitions into the Santa Clara Valley ground-water basin.

The Santa Clara Valley ground-water basin is composed of older, consolidated silts, sands, and gravels and includes multiple aquitards—layers of less impermeable silts and clays. The basin widens and deepens beyond the Parkway.

Ground water generally moves in a northwesterly direction or in the direction of down valley. The ground-water level in Coyote Valley is typically shallow or within 50 feet below the surface. Ground-recharge is predominately from percolation of flow in Coyote Creek in the first 5 to 10 miles downstream of Anderson Dam. Coyote Creek is quite responsive to winter rains and subsequent stormwater runoff. Further downstream, subsurface flow is forced to the surface as the valley becomes confined at Coyote Narrows. Figure 9 shows a cross-section schematic of the basin and illustrates aquifer and ground-water dynamics. Ground-water dynamics are also illustrated in Figure 10. Depths to ground water correspond to the dynamics of the basin geology. The lower portion of the Parkway shows the zone of shallow ground water. The basin-subbasin divide is shown for reference. Because the subbasins are manageable and viable, 100-percent of water supply used in Coyote Creek Valley is from ground water.

Historically, ground water typically re-surfaced over much of the lower Coyote Valley. As agriculture (orchards) became the dominant land-use in the valley, Coyote Reservoir and Coyote Canal were constructed in 1936 to regulate the quick responding surface-water, ground-water interactions in the valley. The Coyote canal diverted water from Coyote Creek along the eastern foothills and returned flow to Coyote Creek downstream of Laguna Seca. This diversion artificially lowering ground-water levels adequate for orchard agriculture.

Over time, ground water became a pre-eminent water-supply source, which required changes in how the valley water was managed. The SCVWD constructed ground-water percolation facilities both on- and off-stream to induce ground-water recharge from natural flows. Today, residential, commercial and industrial developments are becoming more prominent than agriculture, while preserving a green-space along Coyote Creek. In 2007, the SCVWD will begin changing dam operations at Anderson Reservoir to meet aquatic habitat goals downstream.

2.6.1 SCVWD ground-water recharge facilities

The SCVWD manages two ground-water recharge facilities within the Parkway: (1) Ford Road percolation ponds, and (2) Metcalf percolation ponds. These facilities detain stream flow in large ponds located in-stream and allow percolation.

- Ford Road percolation ponds are located upstream from Ford Road. Seasonally constructed gravel spreader dams create three in-stream ponds. However, the February 1997 flood changed channel conditions at Ford Road and the California Department of Fish and Game (CDFG) has withheld permits to continue new construction of the ponds. Therefore, these ponds currently do not function to recharge ground-water.
- Coyote percolation ponds are located downstream of Metcalf Road, also known as Parkway Lakes. A flashboard dam (Coyote Percolation Dam), installed in 1935, supports an instream pond. This facility includes a permanent concrete dam installed in 1934 with an 8 to 10 foot drop. Water from the pond supports additional small ponds downstream both instream and off. Operations of Metcalf ponds during summer months cause the river immediately downstream to become dry or intermittent. A fish ladder was installed on the dam in 1999.

3. FUNCTIONS AND VALUES

An assessment of the key functions and values of the Coyote Creek watershed is essential in establishing a solid understanding of the natural resources that are a part of the Parkway, and can be used to guide park plan options. Stream systems such as Coyote Creek have many functions and values, therefore, our review is restricted to only those we believe have the most relevance to the goals and objectives set forth as part of the Integrated Plan.

Based on our investigations of the Coyote Creek watershed, augmented by our experience in similar settings, the following groups of functions and values are described as part of the existing conditions of the Parkway.

3.1 Channel Connectivity

Channel connectivity describes how stream reaches are connected through the watershed. In a geomorphic sense, high connectivity is manifest by a lack of barriers to the natural flow of water, sediment, and other streamborne constituents downslope from the headwaters to higher order stream segments. Dams, in-stream structures, undersized culverts, road crossings, and other physical barriers represent a creek with low channel connectivity. It should be noted that temporary obstructions such as log jams or debris flows would not generally be considered indicative of low channel connectivity. Adequate channel connectivity will provide an element of biological connectivity with regard to fisheries, aquatic plants, and microfauna.

The creation of a wildlife corridor, both terrestrial and aquatic, is a significant function of stream corridors. Streams promote the movement of wildlife along linear corridors between larger habitat patches, which is especially relevant in urban or intensively farmed areas. Such corridors are seen as valuable for the dispersion and proliferation of plant and animal species. Riparian corridors provide several habitat features, such as a permanent or seasonal water source, high levels of primary productivity, microclimates, horizontal and vertical habitat diversity and migration pathways.

Channel connectivity is impacted in the larger Coyote Creek watershed due to the presence of several large, in-stream barriers, which consist of dams (e.g., Anderson Reservoir, Coyote Reservoir) and on-line ponds (e.g., Ogier Ponds, Parkway Lakes). Dams regulate the flow of water downstream and trap sediment behind spillways, disrupting the natural movement of flow and sediment downstream and inhibiting the movement of aquatic species to upstream

reaches of the watershed. On-line ponds do not pose the same physical barrier as dams, but they substantially change flow velocities, water temperatures, and sediment transport processes. High water temperatures and slow-moving, sometimes stagnant, water creates a barrier for many aquatic species.

Although Coyote Creek has a number of in-stream hydraulic barriers at various locations throughout the watershed, there are many existing sub-reaches within the Parkway corridor that have relatively high channel connectivity or have the potential for high channel connectivity, with the removal of low-flow road crossings and other small barriers. The Parkway itself does not have many large-scale, in-stream barriers, as most of the dams are located upstream. The Parkway corridor, therefore, is an ideal setting for continued enhancement of channel connectivity and serves as an important flow corridor for the passage of sediment, microfauna, fisheries, etc.

3.2 Floodplain Connectivity

An important set of values in many stream corridors is derived from interactions between the channel and an associated floodplain. The concept of floodplain connectivity expresses not only the connectivity of the creek with the adjacent floodplain, but also the connectivity of the floodplain up- and downstream.

The biological values of floodplain interactions are well-documented. Geomorphic considerations include aspects such as peak discharge attenuation, reductions in channel erosion from reduced flow depths, sediment storage, and increased opportunities for ground-water recharge.

The Coyote Creek floodplain is an essential component of the Parkway. This floodplain remains functional and continuous for the length of the Parkway, which stretches over 16 miles. One of the highest natural resource values of the Parkway is the up- and downstream continuity of the Coyote Creek floodplain, which contains a diversity of creek, riparian, and upland habitat. Some opportunities exist for enhancing floodplain connectivity in the Parkway, especially in subreaches where the creek has incised and created a steep, deep channel that is no longer overtopped during high-flow events.

3.3 Surface-water and Ground-water Connectivity

The analysis of local hydrology and hydrogeology summarized in Section 2.6 demonstrates that Coyote Creek serves an important function for recharging the Santa Clara and Coyote Valley ground-water basins. These ground-water basins are relied upon for a large proportion of the water supply used by dozens of communities and agricultural practices. The Coyote Creek Parkway will serve an important role in managing ground water resources by preserving and enhancing surface-water and ground-water connectivity.

3.4 Upland Connectivity

Many tributaries within the Parkway are not hydrologically connected to Coyote Creek due to the construction of the Coyote Canal, which intercepts tributary waters along the eastern edge of the valley. Upland connectivity in a hydrologic sense is therefore limited in the Parkway. Opportunities may exist to improve upland connectivity in the Parkway if tributaries are diverted over the Coyote Canal or small diversions are constructed within the canal.

3.5 Flood Conveyance

One of the SCVWD's main priorities is to protect and maintain the ability of stream channels to convey the 100-year flood (1% probability flood). Based on the available 100-year hydrologic record, flows in excess of 6,000 cubic feet per second occur on a fairly regular basis (on average every 7 years) despite the operations of the upstream reservoirs. The Parkway has significant floodplain acreage along the channel that functions to dissipate and store flood waters, minimizing flood damage downstream in more urbanized and confined environments.

3.6 Cold-water Fisheries

A significant value of the Parkway is that it has the natural resources necessary to promote and support cold-water fisheries restoration in Coyote Creek. Most of the area designated as the "Cold Water and Fish Management Zone" by the FAHCE agreement is located within the Coyote Creek Parkway. This management zone extends from the Anderson Dam spillway to the entrance of the Coyote Valley Golf Course, just downstream from the Ogier Ponds. The management objective in the coldwater zone is to restore and maintain healthy salmonid populations. The Parkway will therefore be a focal point for potential cold-water fisheries restoration.

3.7 Wetlands and Seeps

One of the many values of the Coyote Creek corridor is the presence of wetlands and seeps along the floodplain. These features support wildlife by providing habitat along the floodplain corridor. The Parkway has multiple wetlands and seeps within the park boundaries that should be identified and protected as valuable natural resources. Ground water is an important source of water for many seasonal wetlands and all seeps. To maintain these features along the corridor of the Parkway, it will be important to consider how various projects, both located within the Parkway and on adjacent land, will affect the ground water table and thus the seasonal wetlands and seeps.

3.8 Sediment Transport

Sediment transport processes in Coyote Creek are impacted by the Anderson and Coyote Reservoirs located in the headwaters, which trap sediment behind the spillways and release "clean" water downstream. Sediment still enters the creek downstream from these reservoirs via channel bank erosion and the lateral migration of the channel and a lesser degree from tributaries, which is especially important at the edges of old alluvial fans that store gravels. Because Coyote Creek is not confined within the Parkway and can migrate laterally and thus naturally "mine" sediments during high-flow events, the Parkway plays an important role in potentially mitigating some of the impacts on sediment transport caused by the upstream reservoirs. However, such channel migration must be addressed in planning and siting park infrastructure.

4. SCVWD COYOTE CREEK OPERATIONS

The SCVWD implemented a SCVWD-wide, long-term program for stream maintenance. The objectives of the stream maintenance program include:

- Standardize practices and protocols for routine sediment removal, vegetation management, and bank protection,
- Identify cost-effective routine stream maintenance practices and protocols,
- Provide policies of environmental protection and stewardship,
- Avoid or minimize adverse environmental effects,
- Implement effective and economically practical compensatory mitigation for any adverse environmental impacts that might occur from stream maintenance,
- Conduct adaptive management.

4.1 SCVWD Current or Projected Operations

We describe current or projected stream maintenance as they apply to the reach within Coyote Creek Parkway.

4.1.1 Fisheries and Aquatic Habitat Collaborative Effort (FAHCE):

The FAHCE is an agreement by the SCVWD, with partnership with CDFG, to conduct a comprehensive assessment of SCVWD facilities and their impacts on salmon and steelhead populations. The agreement also requires identification of reasonable flow and non-flow measures that will improve habitat conditions. A description of flow requirements were previously described under Section 2.5.2 Coyote and Anderson Reservoir Operations.

4.1.2 Channel maintenance operations

The SCVWD is currently implementing a multi-year stream maintenance program. All channels are protected and maintained to convey the 100-year (1% probability) flood. The program includes routine bank repair, sediment and vegetation removal, and native plant re-vegetation. The SCVWD implement a wide range of mitigation procedures and bank protection techniques. Techniques may include bio-engineering or hard-structure river engineering (SCVWD, 2001).

4.2 Ongoing and Anticipated Creek Enhancement Projects in the Parkway

A number of projects, management changes, and monitoring programs exist or are planned for the Coyote Creek watershed. They involve on-the-ground work to improve, enhance or restore fish habitat and populations. The following is a list and brief description of ongoing and anticipated creek enhancement projects within the Parkway (summarized from Buchan and others, 2002):

- Invasive species removal: Between 1996 and 2000, San Jose Conservation Corps removed invasive giant cane (sp. *Arundo donax*) along a 3-mile stretch of Coyote Creek in Hellyer County Park. Reportedly, results are positive and monitoring continues.
- Hydromodification Management Plan (HMP): An HMP is a requirement in all watersheds of the Santa Clara Basin, under the National Pollution Discharge Elimination System (NPDES) permit. The plan addresses measures for mitigating effects urbanization has on stream hydrology and channel geomorphology.
- Coyote Parkway Lakes Freshwater Wetlands Project: Proposed 7+-acre wetland site to mitigate impacts by SCVWD channel maintenance activities. Channel maintenance activities include bank repair and sediment and vegetation removal to maintain flood conveyance.
- Coyote Watershed Stream Stewardship Plan (SSP): The SSP is collaboration between SCVWD staff and local stakeholders. The plan compiled projects affecting the watershed and grouped and prioritized projects benefiting flood protection, environment/habitat, operations and maintenance, water supply, and community participation. Implementation of the projects will depend on existing funding.
- Stream and Watershed Protection Program, Environmental Land Preservation Project: The SCVWD, with other partners, promote land acquisitions and land preservation to improve ecological conditions of the creek.
- Coyote Watershed Aesthetics Guidelines: guides the design of projects within the Coyote Creek watershed in order to achieve a unified appearance that is aesthetically pleasing and sensitive to the surrounding community.
- Natural Resource Management Program Plan: Includes guidelines for natural resource management, including water resources within the County parks.
- The Surface Water Quality Monitoring Program: The SCVWD developed a monitoring program that identifies projects that protect watershed and streams.
- Stream and Lake Stewardship Program: Hellyer and Anderson Parks along Coyote Creek are establishing a volunteer program that would include residents to assist in the protection and enhancement of streams and lakes within the parks. The program would include stream data collection and monitoring, litter collection, and reporting hazards.

4.3 Coyote Valley Specific Plan

Coyote Valley Specific Plan is an infrastructure framework system of public transit, residential, commercial and industrial facilities located within the Fisher Creek tributary watershed. The plan, if implemented, might require channel relocation of a middle reach. Fisher Creek and an instream 50-acre lake to minimize hydrologic impacts or increases to the 100-year peak runoff.

5. SUMMARY OF KEY POINTS

- One of the more important natural resource values of the Coyote Creek Parkway is the connectivity of floodplain, upland, and channel habitat it provides. This establishes a significant wildlife corridor.
- The Coyote Creek Parkway has a continuous, high value riparian corridor and floodplain enhancing flood storage and helping to minimize flood damage in downstream urbanized or confined areas.
- Within the Coyote Creek Parkway, there are relatively few large-scale fish passage barriers, with the exception of the Coyote Percolation Dam and Ogier Ponds. Multiple opportunities exist for the enhancement of channel connectivity within the Parkway.
- The Coyote Creek Parkway protects a water-resource function important for recharging the Santa Clara Valley and Coyote Valley ground-water basins
- Dam operations at the Coyote and Anderson Reservoirs have altered Coyote Creek flow regime. Reservoir operations have muted peak flows and reduced the variability of flows throughout the Parkway. However, historical hydrologic records indicate that the Parkway continues to receive flood flows in excess of 5,000 cubic feet per second. Resource planning within the Parkway needs to consider historical floods and their influence on channel enhancement, relocation and/or restoration projects, as well as the existing modified flow regime.
- The Santa Clara Valley Water District (SCVWD) has on-going or planned projects within the Coyote Creek Parkway. The SCVWD's mission is to enhance water quality, flood conveyance, and comply with proposed anadromous fisheries habitat (FAHCE Agreement). The FAHCE Agreement "Cold Water Management Zone" is almost entirely located within the Parkway boundary.

6. LIMITATIONS

This report was prepared in general accordance with the accepted standard of practice for initial evaluation of such sites in northern California for projects of similar scale at the time the investigations were performed. No other warranties, expressed or implied, are made.

As is customary, we note that readers should recognize that the interpretation and evaluation of factors affecting the geologic conditions and hydrologic context of any site are a difficult and inexact art. Judgments leading to conclusions and recommendations are generally made with an incomplete knowledge of the conditions present. More extensive or extended studies can reduce the inherent uncertainties, but may delay implementation of the project.

We have used standard environmental information -- such as wetland and topographic mapping -- in our analyses and approaches without verification or modification, in conformance with local custom. New information could influence the recommendations, perhaps fundamentally. As new and updated information becomes available, the interpretations and recommendations contained in this report may warrant change.

Recognizing that accurate information greatly aids the planning process, we ask that readers who note omissions or errors let us know at the earliest opportunity.

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Table 1. Properties of surficial soils near Coyote Creek, Santa Clara County

Map Symbol	Soil Series	Depths (inches)	Location	Land Division Description	Texture	Hydrologic Soil Group	Permeability (in/hr)	Reaction (pH)	Parent Materials
Rg	Riverwash		Active channel width	River wash	mixture of sand, gravel, cobbles w/ little to no clay		high (unspecified)		
Co	Corfina	0-60	channel banks	River bank	very gravelly loam to sandy loam	A	6.3-20.0	6.1-6.5	sedimentary alluvium
Ga	Garrelson	0-40 40	channel banks	River bank, floodplain	loam, sand and gravel	B	0.63-2.0 >20.0	6.6-7.3 6.6-8.4	
Po	Pleasanton	0-60	western floodplain under CA HWY 101	Old Alluvial Fans	loam, gravelly clay/loam and gravelly sandy clay	B	0.20-0.63	6.1-7.3	sedimentary alluvium
Yo A	Yolo	0-67	Southern Pacific Railroad		silty clay/loam	B	0.20-0.63	6.1-8.4	sedimentary alluvium
Yo C	Yolo	0-67	eastern floodplain and alluvial fans		silty clay/loam	B	0.20-0.63	6.1-8.4	sedimentary alluvium
Mc	Maxwell	0-46 46-60	Coyote Creek Golf Course		clay gravelly clay/loam	D	0.06-0.20	6.6-8.4 7.9-8.4	serpentine alluvium
Sb	San Benito	0.39 39	eastern alluvial plain	Alluvial fans	clay/loam	B	0.20-0.63	6.6-8.4	shale

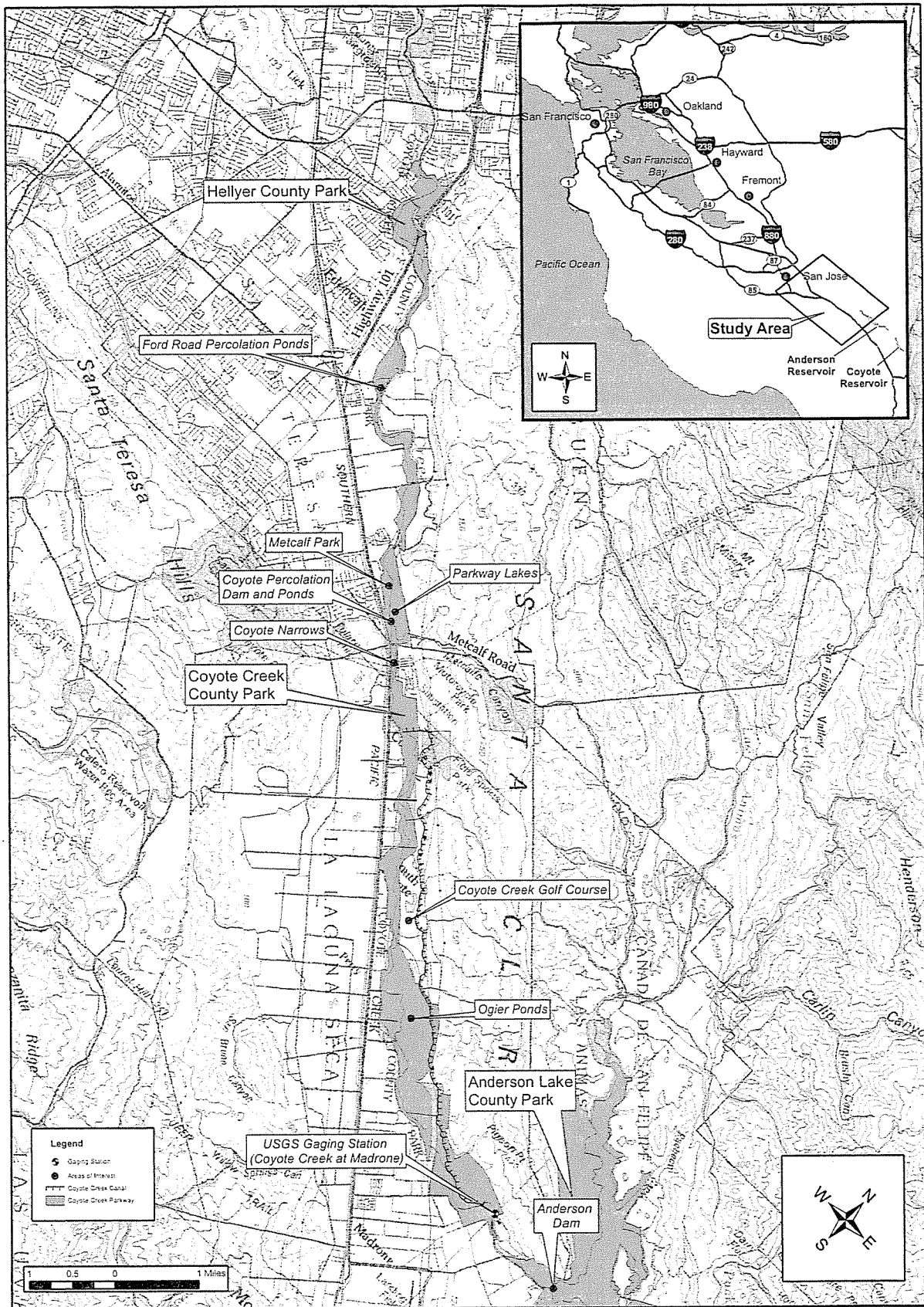
Notes:
 Information taken from USDA soil survey for the eastern Santa Clara area; the western Santa Clara area soil survey is currently being mapped.
 This soil survey generally does not distinguish areas smaller than about 20 to 40 acres, so that wetlands, alluvium, or swale fills smaller than 10 to 20 will not be mapped.
 USCS = Unified Soil Classification System, commonly used in geotechnical or soil-foundation investigations, and in routine engineering geologic logging.
 Available water capacity is the field water available for use by most plants, usually defined as the difference between the amount of soil water at field capacity (one day of drainage after a rain or

**Table 2. Historical hydrologic summary, Coyote Creek at Madrone:
Peak flows for period of record (1903-2004)**

Peak Flow Information				
Water Year ¹	Rank	Peak Flow (cfs)	Peak Stage ² (ft)	Date
USGS Coyote Creek Gage^{3,4,5}				
1903	2	15,000	--	March 31, 1903
1911	1	25,000	--	March 7, 1911
1917	4	10,100	14.50	February 21, 1917
1922	5	9,760	14.00	February 10, 1922
1923	6	9,200	--	January 24, 1923
1932	3	10,600	14.48	December 28, 1931
1938	7	6,670	12.20	February 11, 1938
1943	11	5,450	11.42	January 21, 1943
1945	8	6,580	12.15	February 2, 1945
1958	10	5,750	9.65	April 3, 1958
1969	14	3,570	8.16	February 25, 1969
1982	13	3,630	8.80	April 1, 1982
1983	12	4,720	9.58	March 1, 1983
1997	9	6,280	10.84	January 26, 1997
1998	12	3,750	8.76	February 8, 1998

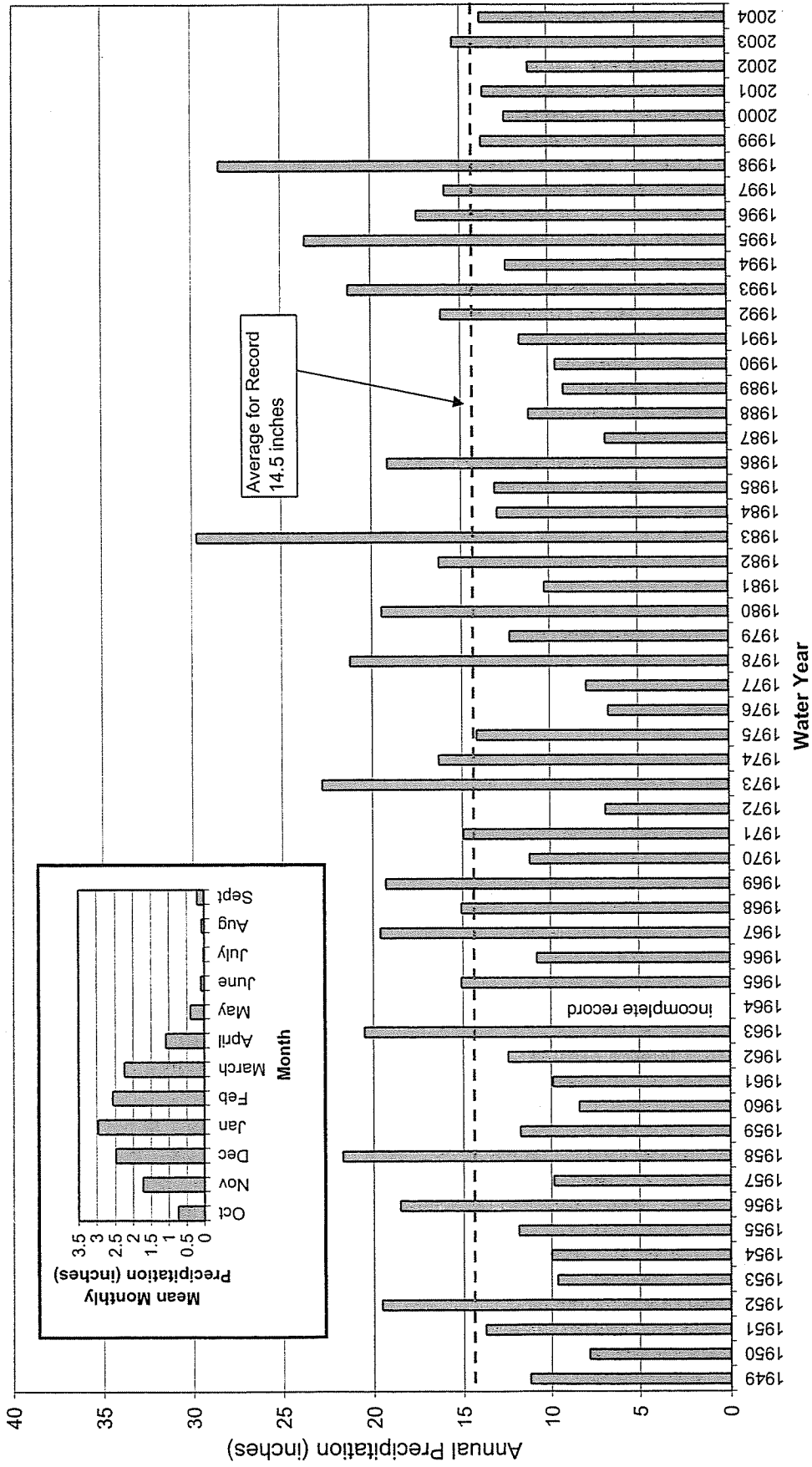
Notes:

1. A hydrologic water year represents data from October 1-September 30
2. Peak stage represents water level on an arbitrary datum, and may not represent the actual depth of water in the creek.
3. USGS stream gage #11170000: Coyote Creek near Madrone, CA (37° 10' 06" N, 121° 38' 55" W)
4. Peak flow accuracy assumes 2 to 3-significant figures, actual peak flows may be approximated to nearest 1,000 cfs.
5. Peak flow and stage recorded after 1987 are managed by SCVWD. These data are preliminary and subject to change.



Balance
Hydrologics, Inc.

Figure 1. Location of Coyote Creek Parkway
Santa Clara County, California

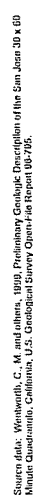


**Balance
Hydrologics, Inc.**

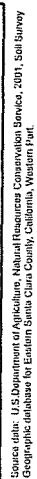
Figure 2.

Historical precipitation for San Jose, California.

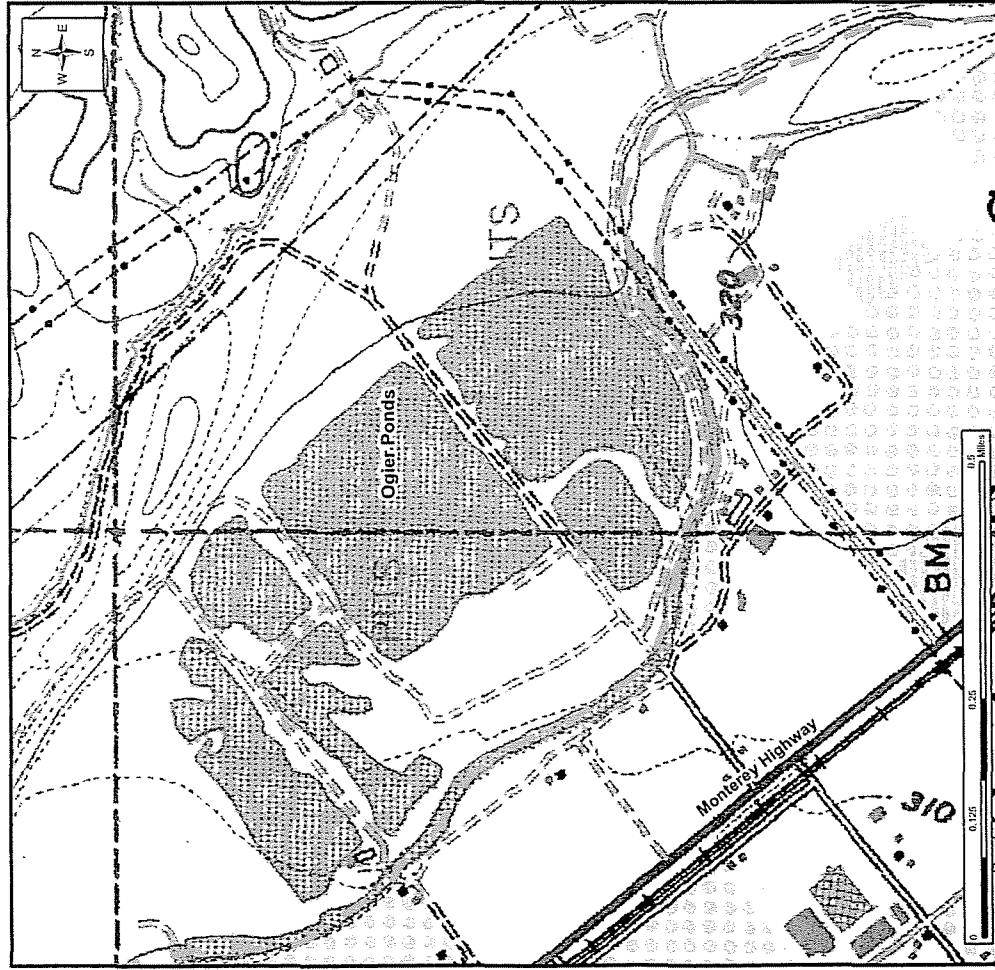
Period of record: Water years 1949 to 2004 (October 1-September 30). Source: Western Regional Climate Center, San Jose, California, Station ID 047821, Elevation 7 ft., located approximately 10 miles northwest of project site. Rainfall at the site may be slightly greater than at the recording rain gages.



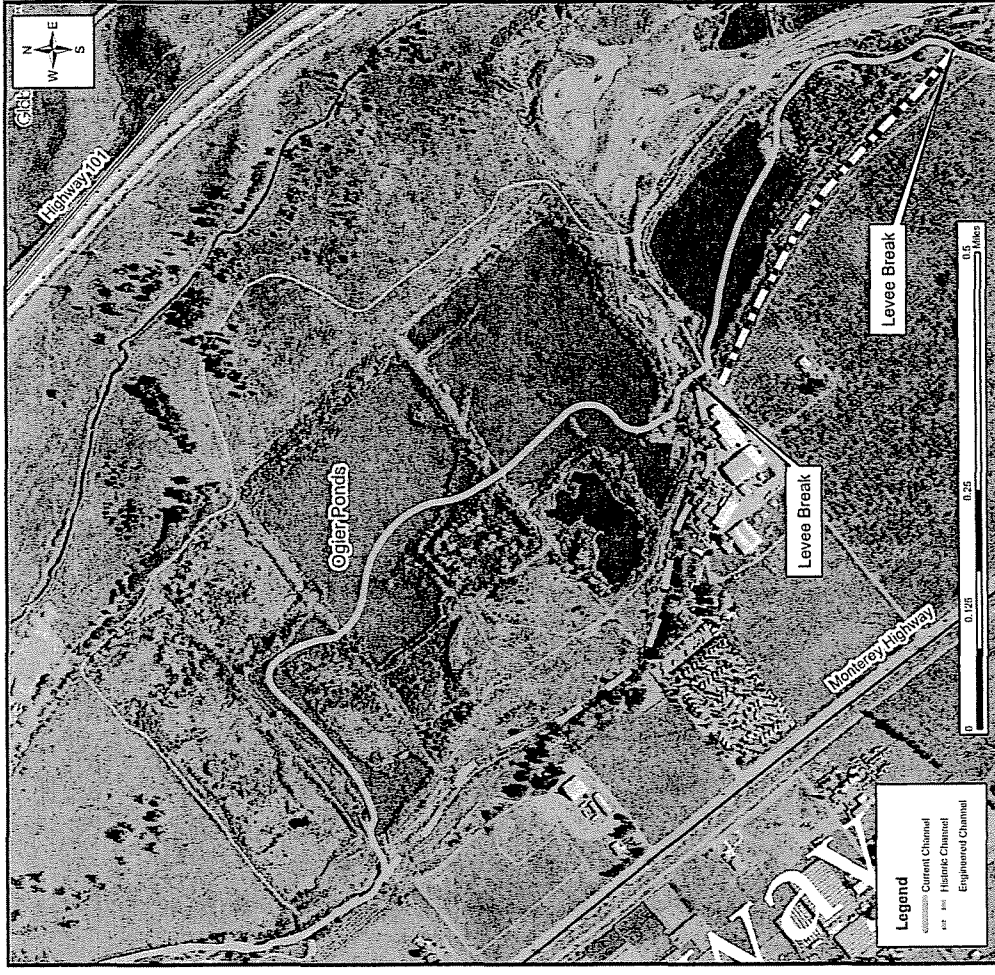
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Hydrologics, Inc.**



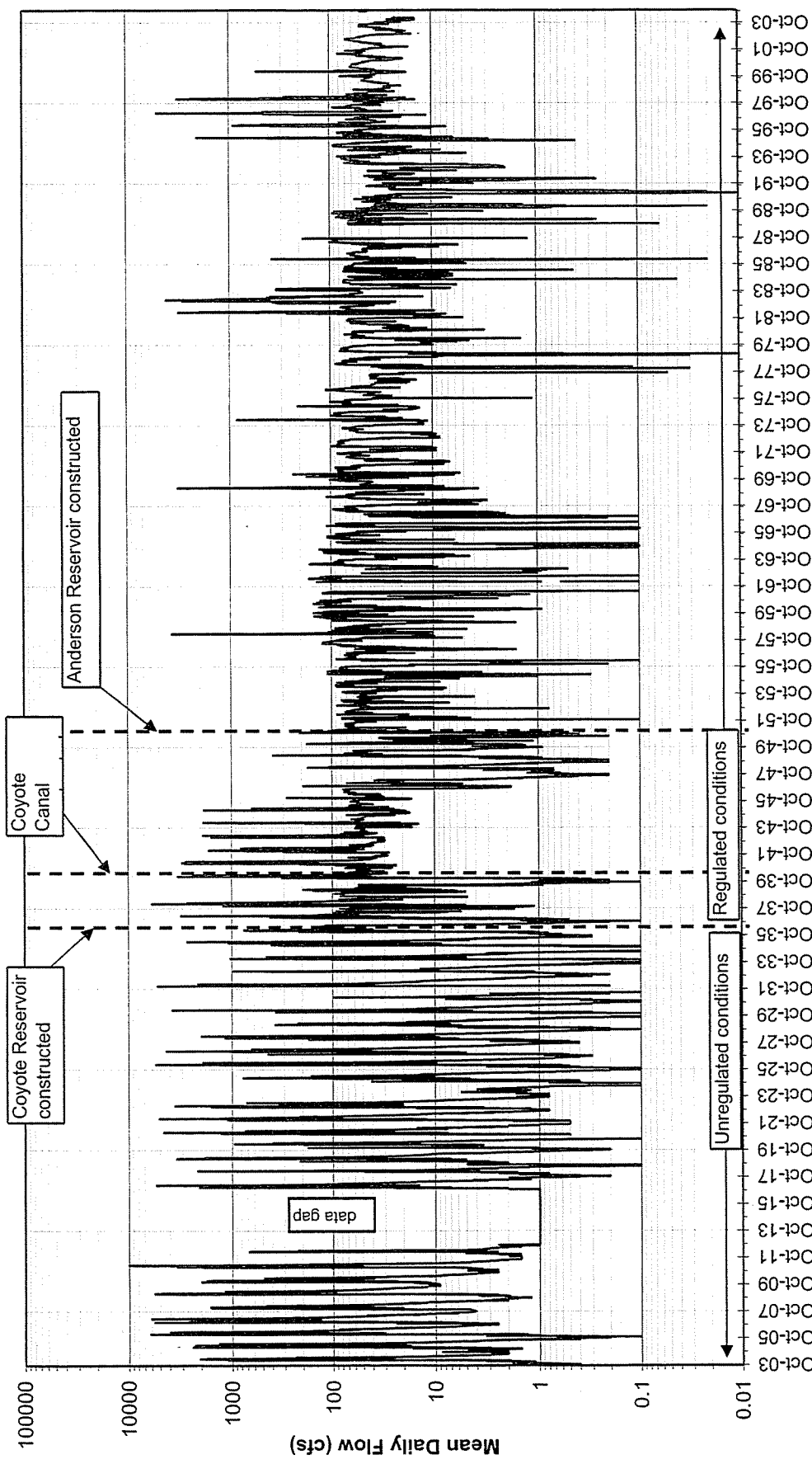
Source data: U.S. Geological Survey 7.5 minute Quadrangle, Morgan Hill, California, 1955, photo revised 1980.



Source data: Globe Explorer aerial photo, captured December 1, 2003.



Figure 5. Coyote Creek Channel Planform Change at Ogier Ponds
Santa Clara County, CA



Note that the flow axis is logarithmic.

Figure 6. Flow hydrograph: Coyote Creek at Madrone, water years 1903-2003. Gage operated by USGS (WY1903-1987) and SCVWD (WY1988-current). Note the reductions in peak flows after Coyote Dam was constructed in 1939 and especially after the Anderson Dam was constructed in 1950. The USGS gaging station is located upstream of the Coyote Canal diversion.



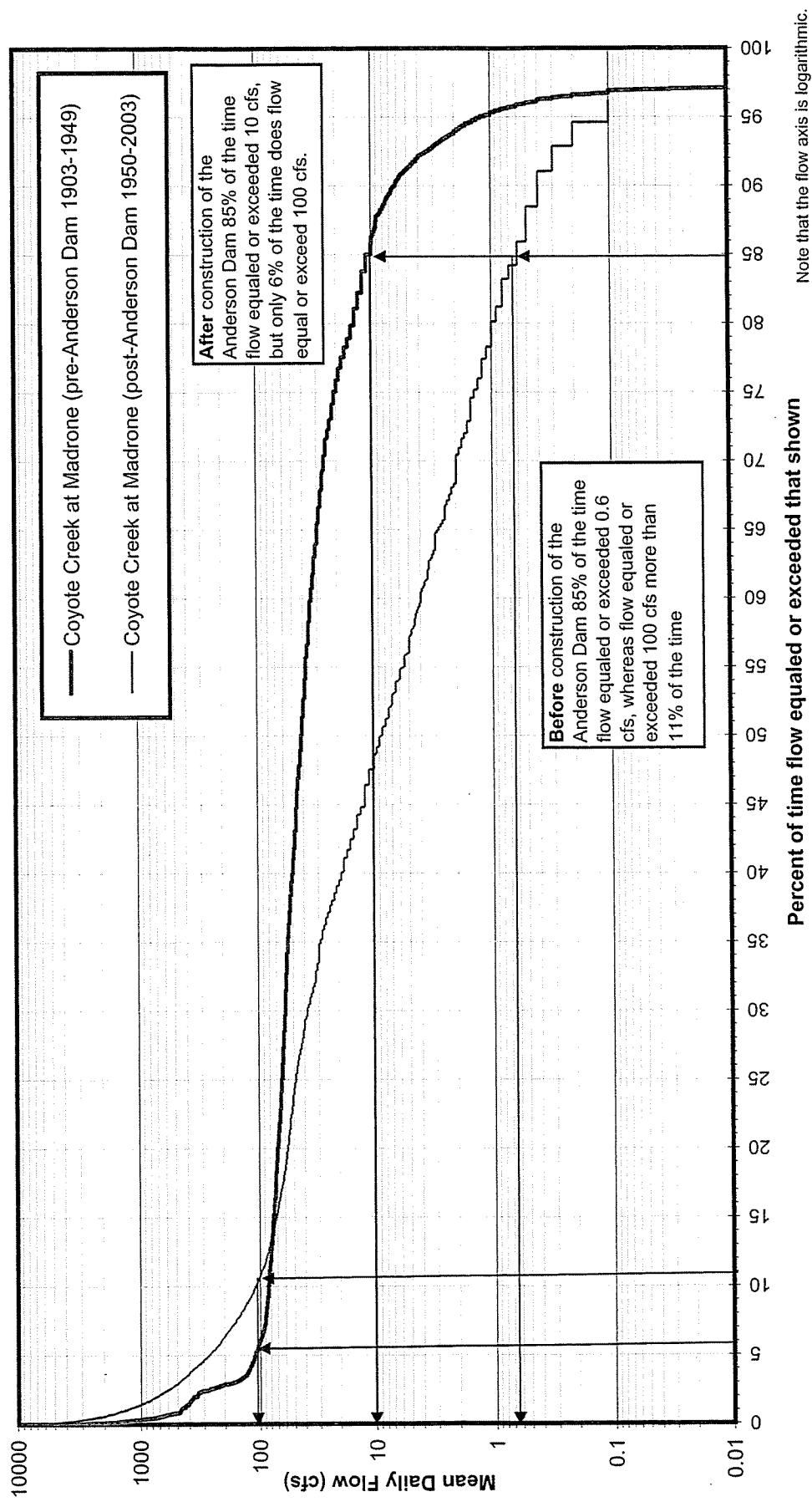


Figure 7. Flow duration curves, Coyote Creek at Madrone, regulated vs. unregulated, Santa Clara County, CA. Regulated flows in Coyote Creek have a minimum range of flows over a large percentage of time. Peak flows have become muted, while low-moderate flows become more common.

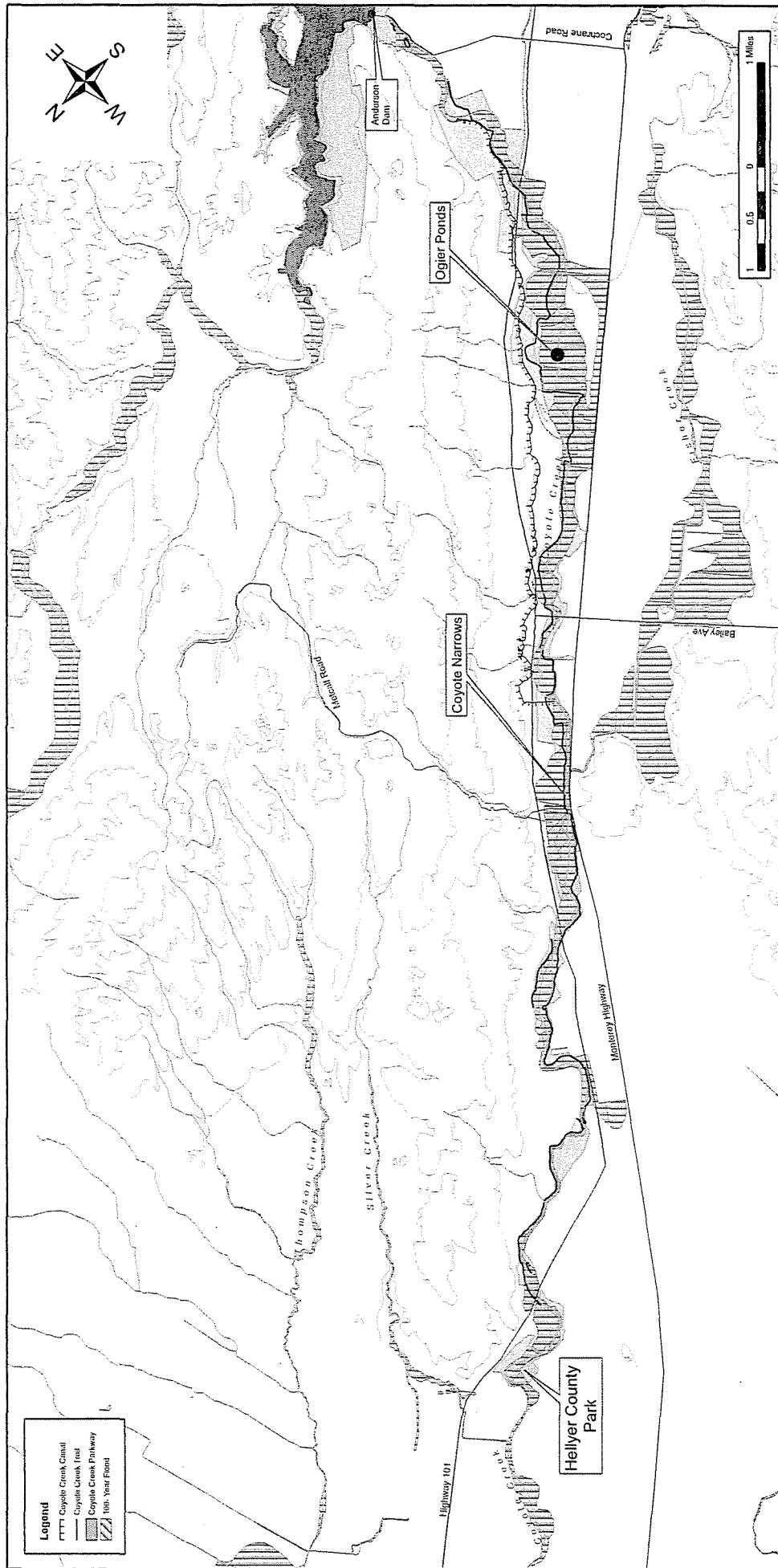
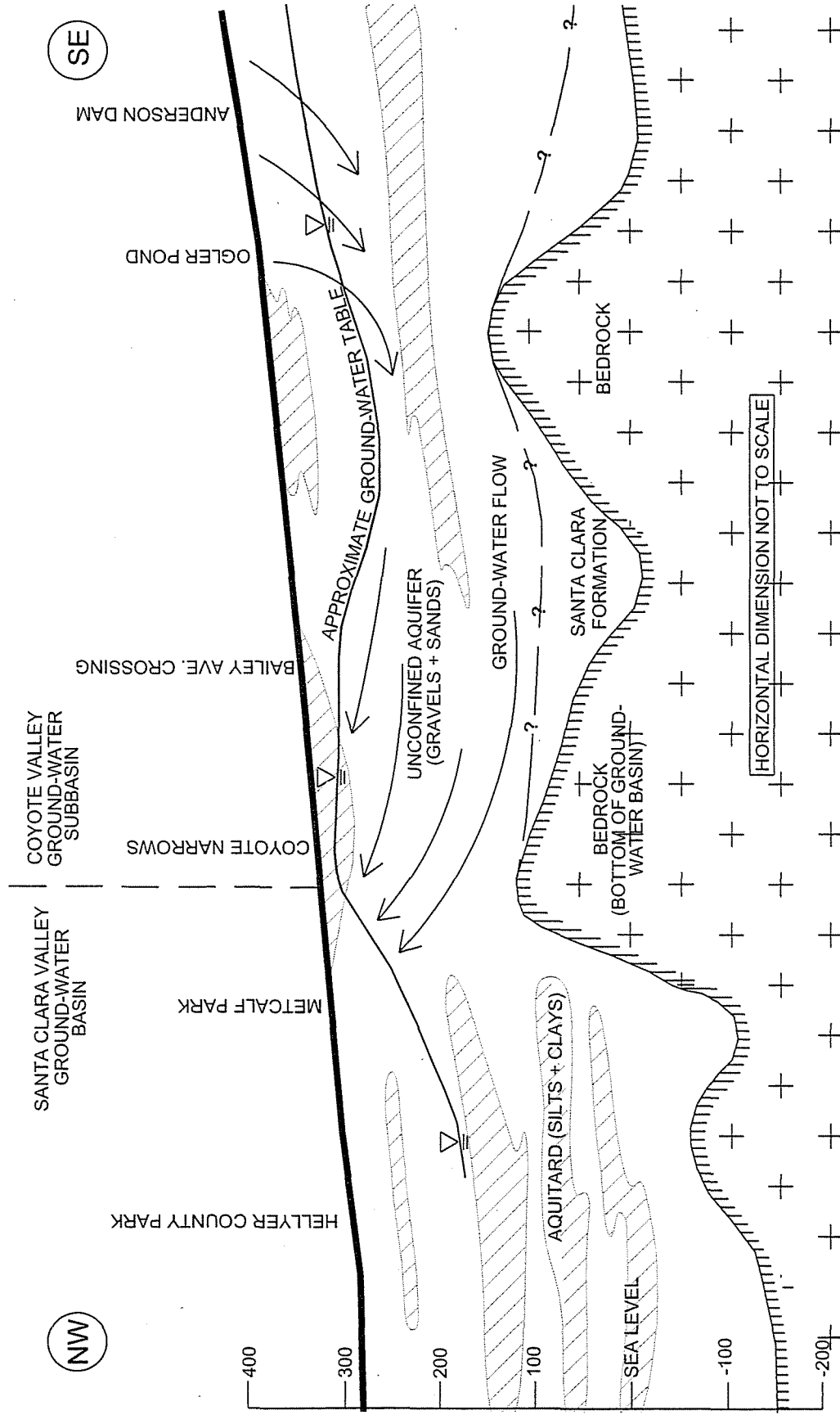


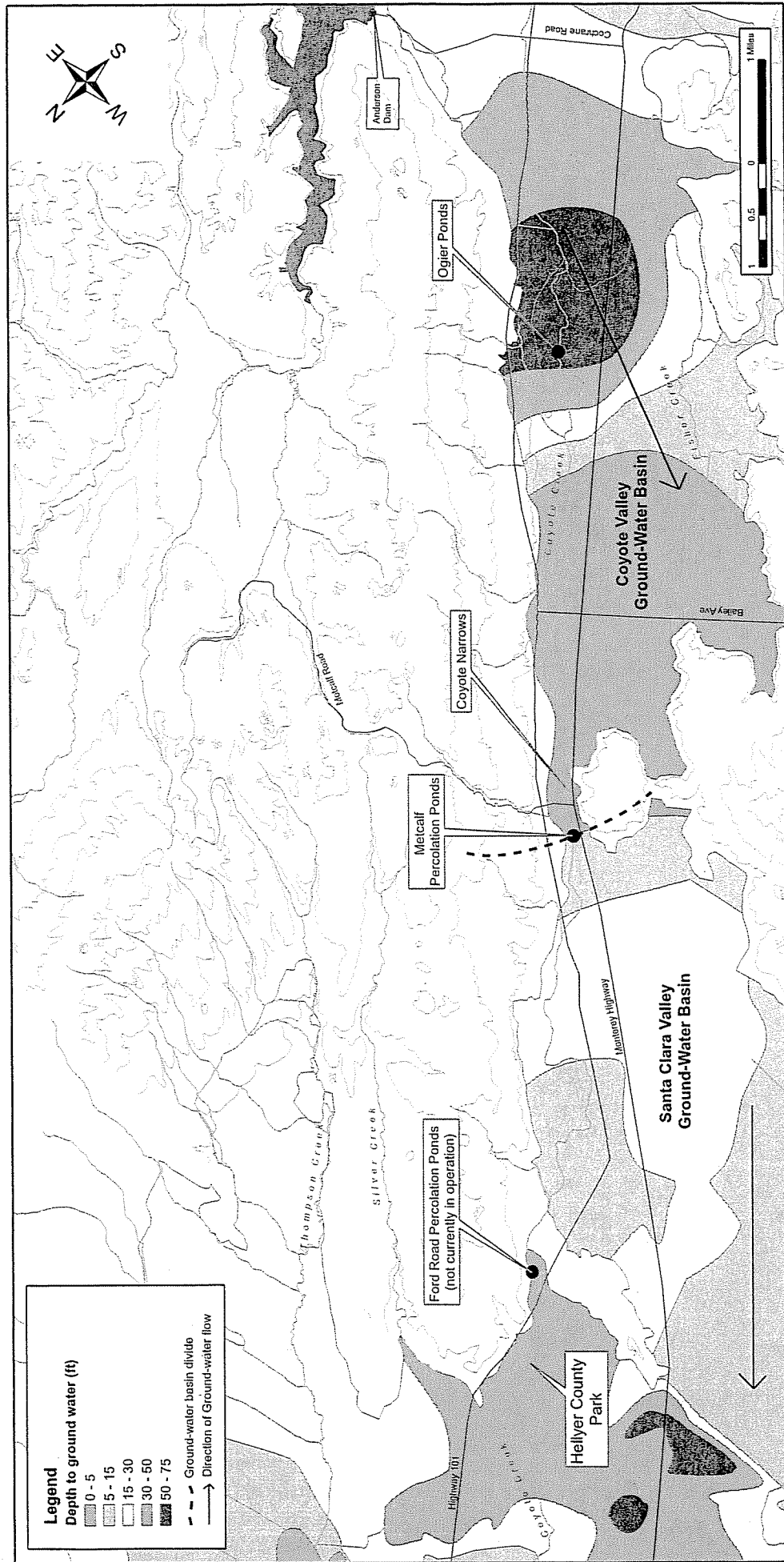
Figure 8. Designated 100- Year Flood Plain, Coyote Creek Parkway
Santa Clara County, California



SOURCE: ADAPTED FROM IWAMURA, 1995

Figure 9. Valley-scale hydrogeologic schematic showing ground-water subbasins and recharge processes Coyote Creek Parkway, Santa Clara County, California

Balance Hydrologics, Inc.



Source data: Santa Clara Valley Water District, May 1, 1999.

Figure 10. Depth to Ground Water, Coyote Creek Parkway
 Santa Clara County, California



8

County of Santa Clara

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June 18, 2007

Darryl Boyd, Principal Planner
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Dear Darryl:

My staff and I reviewed portions of the Coyote Valley Specific Plan (CVSP) relating to Hazards and Hazardous Materials. While staff generally agreed with the conclusions contained in the Draft EIR, they noted their comments are limited because of the report's lack of specificity relating to intended use of parcels within the study area. The report does not describe specific end uses for individual parcels (i.e. residential use / commercial use / school use), hence the report concludes there is a potential need for additional research, testing, and potential mitigation measures depending upon the proposed end uses.

In the past, Santa Clara County's Department of Environmental Health - Hazardous Material Compliance Division (DEH-HMCD) has periodically reviewed Draft EIRs for areas similar to those described in the CVSP. The issues identified in the City's report are typical of lands in rural areas and former agricultural sites.

The following specific comments are submitted for your consideration:

Table 4.9-1 (Page 347)

The area being reviewed was unincorporated for many years. The table indicates that the City implements the Hazardous Materials Program (management plans, installations, closures, etc.). However, DEH-HMCD was the agency responsible for these activities until the City incorporated this area. The City did not review DEH records prior to preparing the Draft EIR.

Recommendation: The City should review DEH files for old hazardous materials users, closed businesses, underground storage tanks in use and closed/removed, and for past spills/incidents/etc.

Recommendation: In the description of responsibilities for Santa Clara County Department of Environmental Health, the reference to "California Accidental Release Program" is incorrect. It should read: "California Accidental Release Prevention Program".

Table 4.9-2 (Page 349-352)

The list of “Potential Hazardous Materials Concerns” identifies facilities and past issues found at the sites (reported underground storage tank leaks, etc.). In the past, many of these sites, particularly ranches, agricultural facilities, farms, and greenhouses have had significant problems with contamination (chemical spraying, storage, spillage, overuse, etc.) that were part of the everyday activities and have not been investigated or reported.

Recommendation: The types of facilities described in Table 4.9-2 need special attention (historical review of documents, site visits, sampling, etc). While the summary table lists the accessible properties, other properties likely exist in the study area where hazardous materials concerns may be present.

Recommendation: Correct the Facility name for Map ID #24 (Page 351) to “Arita Nursery”. Correct the Facility name for Map ID #44 (Page 352) to “Perusina Brothers Live Oak Farms”.

Section 4.9.2.4 Soil Test Results (Page 354-356)

The section reviewed did not have the number and location of the preliminary sampling that was conducted. The study indicated that samples were taken from “accessible” properties. In the past, site specific sampling in areas of concern (around old buildings, agriculture fields, buildings with ranching activities, old fuel filling areas, etc.) has demonstrated significant contamination issues.

Recommendation: Site specific sampling should be considered. In addition, the DEIR should provide a map and locations for the sampling that was done.

Section 4.9.2.4 Agricultural Areas (Page 354-355)

It is not clear what analysis was performed on the samples. There was reference to DDT and its breakdown products DDD, DDE, etc., but the DEIR did not include the complete analytical testing results.

Sampling found levels of arsenic that exceeded residential Environmental Screen Levels (ESL), but were considered not significant due to DTSC and USEPA background criteria (page 355, 4th paragraph). The Department does not agree with the statement that levels of arsenic exceeding residential Environmental Screen Levels (ESL) are not considered significant due to DTSC and USEPA background criteria and makes the following recommendations.

Recommendation: A thorough review of the testing protocol and analysis should be done by the City. Any results that exceed regulatory limits (the limited results did have some that exceeded established limits) must be reported to the appropriate agency (DTSC, RWQCB, etc.) for reporting requirements and for clean-up oversight.

Recommendation: The use of Environmental Screen Levels (ESL) is a yardstick and not firmly established criteria for contamination levels. Using ESL concentrations to determine if additional sampling and testing is needed is very limiting.

Recommendation: The DEIR should identify the future use of the site (commercial, residential, schools, playgrounds, parks, etc.) when establishing appropriate levels of contamination to be left in place. This may dictate different criteria by which to determine whether contamination is or is not significant than the criteria used in the DEIR.

Section 4.9.2.4 School Sites (Page 356)

The report indicated that only asbestos was tested at these sites.

Recommendation: This is a good example of where additional (extensive) testing should be proposed to protect sensitive receptors (children). Elevated levels of contaminants, even within established background limits, should undergo a detailed risk assessment to determine the appropriate level to remain on site.

Section 4.9.4 Mitigation and Avoidance Measures (Page 363)

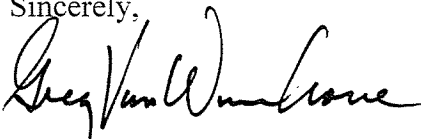
MM HAZ 3.5:

The report states the City will seek approval from the Regional Water Quality Control Board and DTSC if additional contaminated sites are discovered during further site review prior to construction. However, the County's Local Oversight Program (LOP) is also responsible for overseeing cleanup of contaminated soils and water from underground storage tank releases.

Recommendation: For fuel Leaking Underground Storage Tank (LUST) cases that are closed with Site Management requirements, DEH shall be notified prior to development activities.

If you should any questions, or need any further information, please call me at 918-4646.

Sincerely,



Greg Van Wassenhove
Director of Agriculture and Environmental Management
Santa Clara County

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COUNTY COUNSEL

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